



Iowa General Assembly
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House Amendment 1037

PAG LIN

1 1 Amend the amendment, H=1035, to House File 94 as
1 2 follows:
1 3 #1. Page 1, before line 50 by inserting:
1 4 <2B. The searchable internet site developed
1 5 pursuant to this section shall allow the public at no
1 6 cost to search by name for businesses receiving income
1 7 tax refunds. The department of revenue shall provide
1 8 the information described in subsection 2 and such
1 9 additional information as necessary to the department
1 10 of management. In the case of businesses electing
1 11 to receive pass-through treatment for purposes of
1 12 taxation, the department of revenue shall aggregate
1 13 the refund data and information by business name and
1 14 transmit it to the department of management without
1 15 disclosing the identity of individual taxpayers.
1 16 For purposes of this subsection, "business" does not
1 17 include sole proprietorships.>
1 18 #2. Page 2, by striking line 14 and inserting <In
1 19 the case of property taxes, the individual components
1 20 of the applicable consolidated levy>
1 21 #3. By renumbering, redesignating, and correcting
1 22 internal references as necessary.

PETERSEN of Polk
H1035.176 (1) 84
tw/sc



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House File 127 - Introduced

HOUSE FILE
BY KAUFMANN, QUIRK,
J. TAYLOR, and THOMAS

A BILL FOR

1 An Act relating to the definition of veteran for purposes of
2 the military service property tax exemption.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1628YH (6) 84
md/sc



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House File 127 - Introduced continued

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1 1 Section 1. Section 426A.11, subsection 4, Code 2011, is
1 2 amended to read as follows:

1 3 4. For purposes of this chapter, unless the context
1 4 otherwise requires, "veteran" also means ~~a~~ any of the following:

1 5 a. A resident of this state who is a former member of the
1 6 armed forces of the United States and who served for a minimum
1 7 aggregate of eighteen months and who was discharged under
1 8 honorable conditions. However, "veteran" also means a resident
1 9 of this state who is a former member of the armed forces of
1 10 the United States and who, after serving fewer than eighteen
1 11 months, was honorably discharged because of a service-related
1 12 injury sustained by the veteran.

1 13 b. A resident of this state who is a former member of the
1 14 national guard who served on active federal service, other than
1 15 training, in an area designated by the president of the United
1 16 States or the United States Congress as a combat zone or as
1 17 a qualified hazardous duty area, or who deployed outside the
1 18 United States away from the member's permanent duty station
1 19 while participating in an operation designated by the United
1 20 States secretary of defense as a contingency operation as
1 21 defined in 10 U.S.C. { 101(a)(13), and who was discharged under
1 22 honorable conditions.

1 23 Sec. 2. IMPLEMENTATION. Section 25B.7 does not apply to
1 24 this Act.

1 25 EXPLANATION

1 26 This bill amends the definition of veteran for purposes
1 27 of the military service property tax exemption to include a
1 28 resident of this state who is a former member of the national
1 29 guard who served on active federal service, other than
1 30 training, in an area designated by the president of the United
1 31 States or the United States Congress as a combat zone or as
1 32 a qualified hazardous duty area, or who deployed outside the
1 33 United States away from the member's permanent duty station
1 34 while participating in an operation designated by the United
1 35 States secretary of defense as a contingency operation, as



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2 1 defined in federal law, and who was discharged under honorable
2 2 conditions.
2 3 The bill provides that the requirement for fully funding tax
2 4 exemptions by the state does not apply to the bill.
LSB 1628YH (6) 84
md/sc



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House File 128 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act relating to restraint requirements for motor vehicle
2 occupants and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1933YH (4) 84
dea/nh



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1 1 Section 1. Section 321.445, subsection 2, paragraphs a and
1 2 b, Code 2011, are amended to read as follows:
1 3 a. The driver and ~~front seat~~ occupants of a type of motor
1 4 vehicle that is subject to registration in Iowa, except a
1 5 motorcycle or a motorized bicycle, shall each wear a properly
1 6 adjusted and fastened safety belt or safety harness any time
1 7 the vehicle is in forward motion on a street or highway in this
1 8 state except that a child under eighteen years of age shall be
1 9 secured as required under section 321.446.
1 10 b. This subsection does not apply to:
1 11 (1) The driver or ~~front seat~~ occupants of a motor vehicle
1 12 which is not required to be equipped with safety belts or
1 13 safety harnesses.
1 14 (2) The driver ~~and front seat~~ or occupants of a motor
1 15 vehicle who are actively engaged in work which requires them
1 16 to alight from and reenter the vehicle at frequent intervals,
1 17 providing the vehicle does not exceed twenty-five miles per
1 18 hour between stops.
1 19 (3) The driver of a motor vehicle while performing duties as
1 20 a rural letter carrier for the United States postal service.
1 21 This exemption applies only between the first delivery point
1 22 after leaving the post office and the last delivery point
1 23 before returning to the post office.
1 24 (4) Passengers on a bus.
1 25 (5) A person possessing a written certification from a
1 26 health care provider licensed under chapter 148 or 151 on a
1 27 form provided by the department that the person is unable to
1 28 wear a safety belt or safety harness due to physical or medical
1 29 reasons. The certification shall specify the time period for
1 30 which the exemption applies. The time period shall not exceed
1 31 twelve months, at which time a new certification may be issued
1 32 unless the certifying health care provider is from a United
1 33 States military facility, in which case the certificate may
1 34 specify a longer period of time or a permanent exemption.
1 35 (6) ~~Front seat occupants~~ Occupants of an authorized



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2 1 emergency vehicle while they are being transported in an
2 2 emergency. However, this exemption does not apply to the
2 3 driver of the authorized emergency vehicle.

2 4 Sec. 2. Section 321.445, subsections 3 and 5, Code 2011, are
2 5 amended to read as follows:

2 6 3. The driver and ~~front seat~~ passengers may be each charged
2 7 separately for improperly used or nonused equipment under
2 8 subsection 2. However, the driver shall not be charged for
2 9 a violation committed by a passenger who is fourteen years
2 10 of age or older unless the passenger is unable to properly
2 11 fasten a seat belt due to a temporary or permanent disability.
2 12 The owner of the motor vehicle may be charged for equipment
2 13 violations under subsection 1.

2 14 5. The department shall adopt rules pursuant to chapter 17A
2 15 providing exceptions from application of subsections 1 and 2
2 16 for ~~front~~ seats and ~~front seat~~ passengers of motor vehicles
2 17 owned, leased, rented, or primarily used by persons with
2 18 disabilities who use collapsible wheelchairs.

2 19 EXPLANATION

2 20 This bill requires the driver and all occupants of a motor
2 21 vehicle to wear a seat belt or safety harness while the vehicle
2 22 is in forward motion on a street or highway. Currently, only
2 23 the driver and front seat passengers are required to wear seat
2 24 belts or safety harnesses. Restraint requirements do not apply
2 25 to the driver and occupants of a motor vehicle that is not
2 26 required to be equipped with seat belts or safety harnesses,
2 27 persons who are engaged in work that requires frequent stops to
2 28 exit and reenter the vehicle, letter carriers, bus passengers,
2 29 persons with a certified physical or medical exemption, and
2 30 occupants being transported in an emergency vehicle. The
2 31 department of transportation is required to adopt rules
2 32 providing exceptions from seat belt requirements for motor
2 33 vehicles owned, leased, rented, or primarily used by persons
2 34 who use collapsible wheelchairs.

2 35 Pursuant to current law, children under 18 years of age



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3 1 are required to be secured by a child restraint system or a
3 2 seat belt or safety harness, except that a passenger in the
3 3 back seat may be exempted if there are not enough safety belts
3 4 to accommodate every passenger. A violation of seat belt or
3 5 restraint requirements involving a person under 18 years of age
3 6 is a simple misdemeanor punishable by a scheduled fine of \$100.
3 7 Those provisions are not affected by the bill.
3 8 A violation of seat belt requirements involving a person
3 9 18 years of age or older is a scheduled violation subject to
3 10 a fine of \$50. Seat belt and restraint violations are not
3 11 a factor in establishing grounds for license suspension or
3 12 identifying a person as a habitual violator.

LSB 1933YH (4) 84

dea/nh



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House File 129 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act relating to campaign finance by establishing a
2 voter=owned Iowa clean elections Act, providing for funding
3 of the Act, including an income tax checkoff, and providing
4 an income tax exemption, penalties, and including effective
5 date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1746HH (6) 84
jr/sc



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1 1 Section 1. Section 68A.603, Code 2011, is amended to read
1 2 as follows:
1 3 68A.603 Rules promulgated.
1 4 The ethics and campaign disclosure board shall administer
1 5 the provisions of sections 68A.601 ~~through 68A.609~~, 68A.602,
1 6 and 68A.604 through 68A.610 and shall promulgate all necessary
1 7 rules in accordance with chapter 17A.
1 8 Sec. 2. NEW SECTION. 68A.610 Checkoff ==== income tax ====
1 9 voter=owned Iowa clean elections.
1 10 A person whose state income tax liability for any taxable
1 11 year is five dollars or more may direct that five dollars
1 12 of that liability be paid over to the voter=owned Iowa
1 13 clean elections fund, as established in section 68A.823,
1 14 when submitting the person's state income tax return to the
1 15 department of revenue. In the case of a joint return of
1 16 husband and wife having a state income tax liability of ten
1 17 dollars or more, each spouse may direct that five dollars
1 18 be paid to the fund. The director of revenue shall provide
1 19 space for the voter=owned Iowa clean elections fund income
1 20 tax checkoff on the income tax form. An explanation shall
1 21 be included which clearly states that this checkoff does not
1 22 constitute an additional tax liability. The action taken by a
1 23 person for the checkoff is irrevocable.
1 24 Sec. 3. NEW SECTION. 68A.801 Definitions.
1 25 For the purposes of this subchapter:
1 26 1. "Allowable contribution" means a qualifying contribution
1 27 or a seed money contribution.
1 28 2. "Board" means the Iowa ethics and campaign disclosure
1 29 board established under section 68B.32.
1 30 3. "Clean election campaign qualifying period" means the
1 31 period during which candidates are permitted to collect
1 32 qualifying contributions in order to qualify for clean election
1 33 campaign funding. The period begins ninety days before the
1 34 beginning of the primary election campaign period and ends
1 35 thirty days before the beginning of the primary election



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2 1 campaign period.

2 2 4. "Coordination" means a payment made for a communication
2 3 or anything of value that is for the purpose of influencing the
2 4 outcome of an election and that is made by a person according
2 5 to at least one of the following:

2 6 a. In cooperation, consultation, or concert with, at
2 7 the request or suggestion of, or pursuant to, a particular
2 8 understanding with a candidate, a candidate's committee, or an
2 9 agent acting on behalf of a candidate or candidate's committee.

2 10 b. For the dissemination, distribution, or republication,
2 11 in whole or in part, of any broadcast or any written, graphic,
2 12 or other form of campaign material prepared by a candidate,
2 13 a candidate's committee, or an agent of a candidate or
2 14 candidate's committee.

2 15 c. Based on specific information about the candidate's
2 16 plans, projects, or needs provided to the person making the
2 17 payment by the candidate or the candidate's agent who provides
2 18 the information with a view toward having the payment made.

2 19 d. If, in the same election cycle in which the payment is
2 20 made, the person making the payment is serving or has served as
2 21 a member, employee, fund-raiser, or agent of the candidate or
2 22 candidate's committee in an executive or policymaking position.

2 23 e. If the person making the payment has served in any formal
2 24 policy or advisory position with the candidate's campaign or
2 25 has participated in strategic or policymaking discussions with
2 26 the candidate's campaign relating to the candidate's pursuit of
2 27 nomination for election, or election, to office, in the same
2 28 election cycle as the election cycle in which the payment is
2 29 made.

2 30 f. If the person making the payment retains the professional
2 31 services of an individual or person who, in a nonministerial
2 32 capacity, has provided or is providing campaign-related
2 33 services in the same election cycle to a candidate who
2 34 is pursuing the same nomination or election as any of the
2 35 candidates to whom the communication refers. For purposes



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3 1 of this section, "professional services" includes services in
3 2 support of a candidate's pursuit of nomination for election or
3 3 election to office such as polling, media advice, direct mail,
3 4 fund=raising, or campaign research services.
3 5 5. "Electioneering communication" means any communication
3 6 that refers to a clearly identified candidate for elected
3 7 public office, if the communication has the effect of
3 8 encouraging or discouraging a vote for the candidate,
3 9 regardless of whether the communication expressly advocates a
3 10 vote for or against the candidate.
3 11 6. "Excess expenditure amount" means the amount of
3 12 money spent or obligated to be spent by a nonparticipating
3 13 candidate in excess of the clean money amount available to a
3 14 participating candidate running for the same office.
3 15 7. "Express advocacy" means the same as defined in section
3 16 68A.102.
3 17 8. "General election campaign period" means the period
3 18 beginning the day after the primary election and ending on the
3 19 day of the general election.
3 20 9. "Independent candidate" means a candidate who does not
3 21 represent a political party as defined by section 43.2.
3 22 10. "Independent expenditure" means an expenditure made
3 23 by a person or group of persons other than a candidate or
3 24 candidate's committee that meets both of the following
3 25 conditions:
3 26 a. The expenditure is made for a communication that contains
3 27 express advocacy.
3 28 b. The expenditure is made without the participation or
3 29 cooperation of and without coordination with a candidate or a
3 30 candidate's committee.
3 31 11. "Nonparticipating candidate" means a candidate who is
3 32 on the ballot but has chosen not to apply for clean election
3 33 campaign funding or a candidate who is on the ballot and
3 34 has applied for but has not satisfied the requirements for
3 35 receiving clean election campaign funding.



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4 1 12. "Participating candidate" means a candidate who
4 2 qualifies for clean election campaign funding. Such candidates
4 3 are eligible to receive clean election campaign funding during
4 4 primary or general election campaign periods.
4 5 13. "Party candidate" means a candidate who represents a
4 6 political party as defined by section 43.2.
4 7 14. "Primary election campaign period" means the period
4 8 beginning ninety days before the primary election and ending on
4 9 the day of the primary election.
4 10 15. "Qualifying contribution" means a contribution of five
4 11 dollars that is received during the designated clean election
4 12 campaign qualifying period by a candidate seeking to become
4 13 eligible for clean election campaign funding and that is
4 14 acknowledged by a written receipt identifying the contributor.
4 15 However, if the annual median household income of a legislative
4 16 district is at or below one hundred percent of the most recent
4 17 federal poverty guideline based on United States census bureau
4 18 data, the qualifying contribution is one dollar.
4 19 16. "Seed money contribution" means a contribution of no
4 20 more than one hundred dollars made by an individual adult
4 21 during the seed money period, but specifically excludes all of
4 22 the following:
4 23 a. Payments by a membership organization for the costs of
4 24 communications to its members.
4 25 b. Payments by a membership organization for the purpose of
4 26 facilitating the making of qualifying contributions.
4 27 c. The cash value of volunteer activity, including the
4 28 payment of incidental expenses of volunteers.
4 29 17. "Seed money period" means the period beginning the
4 30 day following the previous general election for that office
4 31 and ending on the last day of the clean election campaign
4 32 qualifying period. The "seed money period" is the exploratory
4 33 period during which candidates who wish to become eligible
4 34 for clean election campaign funding for the next elections
4 35 are permitted to raise and spend a limited amount of private



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5 1 seed money, from contributions of up to one hundred dollars
5 2 per individual, for the purpose of determining whether to
5 3 become a candidate and fulfilling the clean election campaign
5 4 eligibility requirements.
5 5 Sec. 4. NEW SECTION. 68A.802 Eligibility for party
5 6 candidates.
5 7 1. A party candidate qualifies as a participating candidate
5 8 for the primary election campaign period if the candidate does
5 9 both of the following:
5 10 a. The candidate files a declaration with the board that
5 11 the candidate has complied and will comply with all of the
5 12 requirements of this subchapter, including the requirement
5 13 that during the seed money period and the clean election
5 14 campaign qualifying period the candidate not accept or
5 15 spend private contributions from any source other than seed
5 16 money contributions and clean election campaign qualifying
5 17 contributions, unless the provisions of section 68A.804 apply.
5 18 b. The candidate meets both of the following qualifying
5 19 contribution requirements before the close of the clean
5 20 election campaign qualifying period:
5 21 (1) A party candidate must collect both qualifying
5 22 contributions and signatures as follows:
5 23 (a) For the office of governor, from five hundred eligible
5 24 electors in each congressional district.
5 25 (b) For statewide office other than governor, from two
5 26 hundred fifty eligible electors in each congressional district.
5 27 (c) For the Iowa senate, from two hundred eligible electors
5 28 in the senate candidate's electoral district.
5 29 (d) For the Iowa house of representatives, from one hundred
5 30 eligible electors in the house candidate's electoral district.
5 31 (2) Each qualifying contribution must meet all requirements
5 32 of this section.
5 33 2. Contributors shall be eligible electors who reside
5 34 within the candidate's electoral district and who are therefore
5 35 eligible to vote for that candidate.



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- 6 1 3. Qualifying contributions shall be:
- 6 2 a. Made in cash, check, money order, or credit or debit
- 6 3 card.
- 6 4 b. Gathered by the candidate personally or by volunteers who
- 6 5 do not receive compensation.
- 6 6 c. Acknowledged by a receipt to the contributor, with
- 6 7 a copy to be kept by the candidate and a third copy to be
- 6 8 submitted to the board. The receipt shall include a signed
- 6 9 statement that the contributor understands that the purpose of
- 6 10 the contribution is to help the candidate qualify for clean
- 6 11 election campaign funding and that the contribution is made
- 6 12 without coercion or reimbursement. The receipt shall include
- 6 13 the contributor's signature, printed name, home address, and
- 6 14 telephone number, and the name of the candidate on whose behalf
- 6 15 the contribution is made.
- 6 16 d. Paid over to the board for deposit in the voter-owned
- 6 17 Iowa clean elections fund established under section 68A.823,
- 6 18 with the signed and completed receipt, according to a schedule
- 6 19 and procedure to be determined by the board. A contribution
- 6 20 submitted as a qualifying contribution that does not include
- 6 21 the signed and completed receipt shall not be counted as a
- 6 22 qualifying contribution.
- 6 23 4. A party candidate qualifies as a participating candidate
- 6 24 for the general election campaign period when the candidate
- 6 25 does both of the following:
- 6 26 a. The candidate has met all of the applicable requirements
- 6 27 of this subchapter and filed a declaration with the board
- 6 28 that the candidate has fulfilled and will fulfill all of the
- 6 29 requirements of a participating candidate as stated in this
- 6 30 subchapter.
- 6 31 b. As a participating candidate during the primary election
- 6 32 campaign period, the candidate had the highest number of votes
- 6 33 of the candidates contesting the primary election from the
- 6 34 candidate's respective party and won the party's nomination.
- 6 35 Sec. 5. NEW SECTION. 68A.803 Eligibility for independent



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7 1 candidates.
7 2 1. An independent candidate qualifies as a participating
7 3 candidate for the primary election campaign period if the
7 4 candidate does both of the following:
7 5 a. The candidate files a declaration with the board that
7 6 the candidate has complied and will comply with all of the
7 7 requirements of this subchapter, including the requirement
7 8 that during the seed money period and the clean election
7 9 campaign qualifying period the candidate not accept or
7 10 spend private contributions from any source other than seed
7 11 money contributions and clean election campaign qualifying
7 12 contributions, unless the provisions of section 68A.804 apply.
7 13 b. The candidate meets the following qualifying contribution
7 14 requirements before the close of the clean election campaign
7 15 qualifying period:
7 16 (1) An independent candidate shall collect the same number
7 17 of qualifying contributions as required of a party candidate
7 18 for the same office under section 68A.802.
7 19 (2) Each qualifying contribution must meet all requirements
7 20 of this section.
7 21 2. Contributors shall be registered voters who reside
7 22 within the candidate's electoral district and who are therefore
7 23 eligible to vote for that candidate.
7 24 3. Qualifying contributions shall be:
7 25 a. Made in cash, check, money order, or credit or debit
7 26 card.
7 27 b. Gathered by the candidate personally or by volunteers who
7 28 do not receive compensation.
7 29 c. Acknowledged by a receipt to the contributor, with
7 30 a copy to be kept by the candidate and a third copy to be
7 31 submitted to the board. The receipt shall include a signed
7 32 statement that the contributor understands that the purpose of
7 33 the contribution is to help the candidate qualify for clean
7 34 election campaign funding and that the contribution is made
7 35 without coercion or reimbursement. The receipt shall include



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8 1 the contributor's signature, printed name, home address, and
8 2 telephone number, and the name of the candidate on whose behalf
8 3 the contribution is made.

8 4 d. Paid over to the board for deposit in the voter-owned
8 5 Iowa clean elections fund established under section 68A.823,
8 6 with the signed and completed receipt, according to a schedule
8 7 and procedure to be determined by the board. A contribution
8 8 submitted as a qualifying contribution that does not include
8 9 the signed and completed receipt shall not be counted as a
8 10 qualifying contribution.

8 11 4. An independent candidate qualifies as a participating
8 12 candidate for the general election campaign period when the
8 13 candidate does both of the following:

8 14 a. If, prior to the primary election, the candidate has met
8 15 all of the applicable requirements of this subchapter and filed
8 16 a declaration with the board that the candidate has fulfilled
8 17 and will fulfill all of the requirements of a participating
8 18 candidate as stated in this subchapter.

8 19 b. If, during the primary election campaign period, the
8 20 candidate has fulfilled all the requirements of a participating
8 21 candidate as stated in this subchapter.

8 22 Sec. 6. NEW SECTION. 68A.804 Transition rule for current
8 23 election cycle.

8 24 During the election cycle in effect on the date of enactment
8 25 of this Act, a candidate may be certified as a participating
8 26 candidate, notwithstanding the acceptance of contributions
8 27 or making of expenditures from private funds before the date
8 28 of enactment of this Act that would, absent this section,
8 29 disqualify the candidate as a participating candidate, provided
8 30 that any private funds accepted but not expended before the
8 31 date of enactment of this Act shall either be returned to
8 32 the contributor or submitted to the board for deposit in the
8 33 voter-owned Iowa clean elections fund established under section
8 34 68A.823.

8 35 Sec. 7. NEW SECTION. 68A.805 Continuing obligation to



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9 1 comply.

9 2 A participating candidate who accepts any benefits under

9 3 section 68A.813 during the primary election campaign period

9 4 shall comply with all the requirements of this subchapter

9 5 through any remaining time during the primary election campaign

9 6 period as well as through the general election campaign period

9 7 whether or not the candidate continues to accept benefits.

9 8 Sec. 8. NEW SECTION. 68A.806 Contributions and

9 9 expenditures.

9 10 1. During the primary and general election campaign

9 11 periods, a participating candidate who has voluntarily agreed

9 12 to participate in clean election campaign financing shall not

9 13 accept private contributions from any source other than the

9 14 candidate's political party as specified in section 68A.808.

9 15 2. A person shall not make a contribution in violation

9 16 of section 68A.502. A participating candidate who receives

9 17 a qualifying contribution or a seed money contribution that

9 18 is not from the person listed on the receipt as required by

9 19 this subchapter shall pay to the board for deposit in the

9 20 voter-owned Iowa clean elections fund established under section

9 21 68A.823 the entire amount of such contribution.

9 22 3. The board shall issue each participating candidate a

9 23 card known as the "clean election campaign debit card", and a

9 24 line of debit entitling the candidate to draw clean election

9 25 campaign funds to pay for all campaign costs and expenses

9 26 up to the amount of funding the candidate has received. A

9 27 participating candidate shall not pay campaign costs by cash,

9 28 check, money order, loan, or by any other financial means

9 29 other than the clean election campaign debit card. During the

9 30 primary and general election campaign periods, a participating

9 31 candidate shall pay by means of the board's clean election

9 32 campaign debit card.

9 33 4. Eligible candidates shall furnish complete campaign

9 34 records, including all records of seed money contributions and

9 35 qualifying contributions, to the board at regular filing times,



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10 1 or on request by the board. Candidates shall cooperate with
10 2 any audit or examination conducted or ordered by the board.
10 3 Sec. 9. NEW SECTION. 68A.807 Nonparticipating candidates
10 4 ==== contribution limits.
10 5 Nonparticipating candidates shall be subject to the
10 6 following contribution limits:
10 7 1. Candidates for statewide office:
10 8 a. One thousand dollars in the aggregate per individual
10 9 contribution.
10 10 b. Five thousand dollars in the aggregate per political
10 11 committee contribution.
10 12 2. Candidates for the Iowa senate and house of
10 13 representatives:
10 14 a. Five hundred dollars in the aggregate per individual
10 15 contribution.
10 16 b. One thousand dollars in the aggregate per political
10 17 committee contribution.
10 18 Sec. 10. NEW SECTION. 68A.808 Political party contributions
10 19 and expenditures.
10 20 1. Participating candidates may accept monetary or in=kind
10 21 contributions from political parties provided that the
10 22 aggregate amount of such contributions from all political party
10 23 committees combined does not exceed the equivalent of five
10 24 percent of the clean election campaign financing amount for
10 25 that office.
10 26 2. In=kind contributions made during a general election
10 27 campaign period on behalf of a group of the party's candidates
10 28 shall not be considered a prohibited party contribution or
10 29 count against the five percent limit established in subsection
10 30 1 if such group includes at least fifty=one percent of the
10 31 candidates whose names will appear on the general election
10 32 ballot in the political subdivision represented by the party
10 33 committee making such in=kind contributions.
10 34 3. Contributions made to, and expenditures made by,
10 35 political parties during primary and general campaign



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11 1 periods shall be reported to the board on the same basis as
11 2 contributions and expenditures made to or by candidates.
11 3 4. This section and this subchapter shall not prevent
11 4 political party funds from being used for any of the following:
11 5 a. General operating expenses of the party.
11 6 b. Conventions.
11 7 c. Nominating and endorsing candidates.
11 8 d. Identifying, researching, and developing the party's
11 9 positions on issues.
11 10 e. Party platform activities.
11 11 f. Noncandidate=specific voter registration.
11 12 g. Noncandidate=specific get=out=the=vote drives.
11 13 h. Travel expenses for noncandidate party leaders and staff.
11 14 i. Other noncandidate=specific party=building activities,
11 15 as defined by rule of the board.
11 16 j. Employing a staff person to provide election services to
11 17 two or more candidates.
11 18 Sec. 11. NEW SECTION. 68A.809 Use of personal funds.
11 19 1. Personal funds contributed as seed money by a candidate
11 20 seeking to become eligible as a participating candidate or by
11 21 the candidate's spouse shall not exceed one hundred dollars per
11 22 contributor.
11 23 2. Personal funds shall not be used to meet the qualifying
11 24 contribution requirement except for one five=dollar
11 25 contribution from the candidate and one five=dollar
11 26 contribution from the candidate's spouse.
11 27 Sec. 12. NEW SECTION. 68A.810 Seed money.
11 28 1. The only private contributions a candidate seeking
11 29 to become eligible for clean election campaign funding shall
11 30 accept, other than qualifying contributions, are seed money
11 31 contributions contributed by individual adults prior to the end
11 32 of the clean election campaign qualifying period.
11 33 2. A seed money contribution shall not exceed one hundred
11 34 dollars, and the aggregate amount of seed money contributions
11 35 accepted by a candidate seeking to become eligible for clean



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12 1 election campaign funding shall not exceed the relevant limit,
12 2 as follows:
12 3 a. Twenty=five thousand dollars for a candidate team running
12 4 for governor and lieutenant governor.
12 5 b. Fifteen thousand dollars for a candidate running for
12 6 statewide office other than governor or lieutenant governor.
12 7 c. Two thousand dollars for a candidate running for the Iowa
12 8 senate.
12 9 d. One thousand dollars for a candidate running for the Iowa
12 10 house of representatives.
12 11 3. Receipts for seed money contributions shall include
12 12 the contributor's signature, printed name, street address and
12 13 zip code, telephone number, occupation, and name of employer.
12 14 Contributions shall not be accepted if the required disclosure
12 15 information is not received.
12 16 4. Seed money shall be spent only during the clean election
12 17 campaign qualifying period. Seed money shall not be spent
12 18 during the primary or general election campaign periods.
12 19 5. Within forty=eight hours after the close of the clean
12 20 election campaign qualifying period, candidates seeking to
12 21 become eligible for clean election campaign funding shall do
12 22 both of the following:
12 23 a. Fully disclose all seed money contributions and
12 24 expenditures to the board.
12 25 b. Pay over to the board for deposit in the voter=owned
12 26 Iowa clean elections fund any seed money the candidate has
12 27 raised during the designated seed money period that exceeds the
12 28 aggregate seed money limit.
12 29 Sec. 13. NEW SECTION. 68A.811 Participation in debates.
12 30 1. Participating candidates in contested races shall
12 31 participate in all of the following:
12 32 a. For the offices of governor and lieutenant governor:
12 33 (1) One one=hour debate during a contested primary
12 34 election.
12 35 (2) Two one=hour debates during a contested general



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13 1 election.
13 2 b. For all other offices:
13 3 (1) One one=hour debate during a contested primary
13 4 election.
13 5 (2) One one=hour debate during a contested general
13 6 election.
13 7 2. Nonparticipating candidates for the same office whose
13 8 names will appear on the ballot shall be invited to join the
13 9 debates.
13 10 Sec. 14. NEW SECTION. 68A.812 Certification.
13 11 1. No more than five days after a candidate applies for
13 12 clean election campaign funding benefits, the board shall
13 13 certify that the candidate is or is not eligible to receive
13 14 clean election campaign funds.
13 15 2. Eligibility can be revoked if the candidate violates
13 16 the requirements of this subchapter, in which case all clean
13 17 election campaign funds shall be repaid.
13 18 3. The candidate's request for certification shall be
13 19 signed by the candidate and the treasurer of the candidate's
13 20 committee, both under penalty of perjury.
13 21 4. The board's determination is final except that it is
13 22 subject to examination and audit by an outside agency according
13 23 to rule and to prompt judicial review according to rule and
13 24 chapter 17A.
13 25 Sec. 15. NEW SECTION. 68A.813 Benefits provided to
13 26 candidates eligible to receive clean election campaign funding.
13 27 1. Candidates who qualify for clean election campaign
13 28 funding for primary and general elections shall receive all of
13 29 the following:
13 30 a. Clean election campaign funding from the board for each
13 31 election, the amount of which is specified in section 68A.815.
13 32 This funding may be used to finance any and all campaign
13 33 expenses during the particular campaign period for which it was
13 34 received.
13 35 b. Additional clean election campaign funding to match



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14 1 any excess expenditure amount spent by a nonparticipating
14 2 candidate, as specified in section 68A.817.
14 3 c. Additional clean election campaign funding to match any
14 4 independent expenditure made in opposition to their candidacies
14 5 or on behalf of their opponents' candidacies, as specified in
14 6 section 68A.819.
14 7 d. Additional clean election campaign funding to match
14 8 any electioneering communication expenditure, as specified in
14 9 section 68A.820.
14 10 2. The maximum aggregate amount of additional funding,
14 11 above the initial allocation as determined in section
14 12 68A.815 that a participating candidate shall receive to
14 13 match independent expenditures, the excess expenditures of
14 14 nonparticipating candidates, and electioneering communication
14 15 expenditures shall be two hundred percent of the full amount of
14 16 clean election campaign funding allocated to a participating
14 17 candidate for a particular primary or general election campaign
14 18 period.
14 19 Sec. 16. NEW SECTION. 68A.814 Schedule of clean election
14 20 campaign funding payments.
14 21 1. An eligible candidate shall receive clean election
14 22 campaign funding for the primary election campaign period
14 23 on the date on which the board certifies the candidate as a
14 24 participating candidate. This certification shall take place
14 25 no later than five days after the candidate has submitted the
14 26 required number of qualifying contributions and a declaration
14 27 stating that the candidate has complied with all other
14 28 requirements for eligibility as a participating candidate, but
14 29 no earlier than the beginning of the primary election campaign
14 30 period.
14 31 2. An eligible candidate shall receive clean election
14 32 campaign funding for the general election campaign period
14 33 within forty-eight hours after certification of the primary
14 34 election results.
14 35 Sec. 17. NEW SECTION. 68A.815 Determination of clean



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15 1 election campaign funding amounts.
15 2 1. a. For party candidates, the amount of clean election
15 3 campaign funding for a contested primary election is as
15 4 follows:
15 5 (1) Seven hundred fifty thousand dollars for a candidate
15 6 team running for governor and lieutenant governor.
15 7 (2) Seventy=five thousand dollars for a candidate for
15 8 statewide office other than governor and lieutenant governor.
15 9 (3) Twenty=two thousand five hundred dollars for a
15 10 candidate running for the Iowa senate.
15 11 (4) Fifteen thousand dollars for a candidate running for the
15 12 Iowa house of representatives.
15 13 b. The clean election campaign funding amount for an
15 14 eligible party candidate in an uncontested primary election
15 15 is twenty=five percent of the amount provided in a contested
15 16 primary election.
15 17 c. In a contested general election, if an eligible party
15 18 candidate or all of the candidates of the candidate's party
15 19 combined received at least twenty percent of the total number
15 20 of votes cast for all candidates seeking that office in
15 21 the most recent primary election or in the previous general
15 22 election, the candidate shall receive the full amount of clean
15 23 election campaign funding for the general election, as follows:
15 24 (1) Three million dollars for a candidate team running for
15 25 governor and lieutenant governor.
15 26 (2) Two hundred thousand dollars for a candidate for
15 27 statewide office other than governor and lieutenant governor.
15 28 (3) Forty thousand dollars for a candidate running for the
15 29 Iowa senate.
15 30 (4) Thirty thousand dollars for a candidate running for the
15 31 Iowa house of representatives.
15 32 d. The clean election campaign funding amount for an
15 33 eligible party candidate in an uncontested general election
15 34 is ten percent of the amount provided in a contested general
15 35 election for the same office.



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16 1 2. a. For eligible independent candidates, the clean
16 2 election campaign funding amount for the primary election
16 3 campaign period is twenty=five percent of the amount of clean
16 4 election campaign funding received by a party candidate in a
16 5 contested primary election for the same office.
16 6 b. The clean election campaign funding amount for an
16 7 eligible independent candidate in the general election is the
16 8 same as the full amount received by a party candidate in the
16 9 general election for the same office.
16 10 c. After the first cycle of clean election campaign
16 11 financing elections, the board shall modify all clean election
16 12 campaign funding amounts based on the percentage increase in
16 13 the consumer price index, for all urban consumers, United
16 14 States city average, as published in the federal register
16 15 by the United States department of labor, bureau of labor
16 16 statistics, that reflects the percentage increase in the
16 17 consumer price index for the twelve=month period ending
16 18 December 31 of the previous year.
16 19 Sec. 18. NEW SECTION. 68A.816 Expenditures made with clean
16 20 election campaign funds.
16 21 1. The clean election campaign funding received by a
16 22 participating candidate shall be used only for the purpose of
16 23 defraying that candidate's campaign=related expenses during
16 24 the particular election campaign period for which the clean
16 25 election campaign funding was received.
16 26 2. Payments shall not be used for the following:
16 27 a. Payments that are in violation of the law.
16 28 b. Payments that repay any personal, family, or business
16 29 loans, expenditures, or debts.
16 30 Sec. 19. NEW SECTION. 68A.817 Disclosure of excess spending
16 31 by nonparticipating candidates.
16 32 1. If a nonparticipating candidate's total expenditures
16 33 exceed the amount of clean election campaign funding allocated
16 34 to the candidate's clean election campaign opponent, the
16 35 candidate shall declare to the board within forty=eight hours



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17 1 every excess expenditure amount that, in the aggregate, is more
17 2 than one thousand dollars.

17 3 2. During the last twenty days before the end of the
17 4 relevant campaign period, a nonparticipating candidate shall
17 5 declare to the board each excess expenditure amount over
17 6 five hundred dollars within twenty-four hours of when the
17 7 expenditure is made or obligated to be made.

17 8 3. The board may make its own determination as to whether
17 9 excess expenditures have been made by nonparticipating
17 10 candidates.

17 11 4. Upon receiving an excess expenditure declaration, the
17 12 board shall immediately release additional clean election
17 13 campaign funding to the opposing participating candidate
17 14 or candidates equal to the excess expenditure amount the
17 15 nonparticipating candidate has spent or intends to spend,
17 16 subject to the limit set forth in section 68A.813.

17 17 Sec. 20. NEW SECTION. 68A.818 Campaign advertisements.

17 18 All broadcast and print advertisements placed by candidates
17 19 or candidate's committees shall include a clear written or
17 20 spoken statement indicating that the candidate has approved of
17 21 the contents of the advertisement.

17 22 Sec. 21. NEW SECTION. 68A.819 Disclosure of independent
17 23 expenditures ==== additional clean election campaign funding.

17 24 1. Any person or group of persons who makes or obligates
17 25 to make an independent expenditure during a primary or general
17 26 election campaign period which, in the aggregate, exceeds one
17 27 thousand dollars, shall report each expenditure within forty=
17 28 eight hours to the board.

17 29 2. The report to the board shall include a statement,
17 30 under penalty of perjury, by the person or persons making the
17 31 independent expenditure identifying the candidate whom the
17 32 independent expenditure is intended to help elect or defeat
17 33 and affirming that the expenditure is totally independent and
17 34 involves no coordination with a candidate or a political party.

17 35 a. An individual or organization may file a complaint with



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18 1 the board if the candidate or the organization believes that
18 2 the statement according to this subsection is false.
18 3 b. A hearing on a complaint under this subsection shall be
18 4 held within three business days of filing and a decision issued
18 5 within seven days of filing.
18 6 3. Any person or group of persons who makes or obligates
18 7 to make an independent expenditure during the last twenty days
18 8 before the end of the relevant campaign period which, in the
18 9 aggregate, exceeds five hundred dollars, shall report each
18 10 expenditure within twenty-four hours to the board.
18 11 4. Upon receiving a report that an independent expenditure
18 12 has been made or obligated to be made, the board shall
18 13 immediately release additional clean election campaign funding,
18 14 equal in amount to the cost of the independent expenditure, to
18 15 all participating candidates whom the independent expenditure
18 16 is intended to oppose or defeat, subject to the limit set forth
18 17 in section 68A.813.
18 18 Sec. 22. NEW SECTION. 68A.820 Electioneering communications
18 19 ==== disclosure ==== additional clean election campaign funding.
18 20 1. A person who makes or obligates to make a disbursement to
18 21 purchase an electioneering communication shall file a report
18 22 with the board not later than forty-eight hours after making or
18 23 obligating to make the disbursement, containing the following
18 24 information:
18 25 a. The amount of the disbursement.
18 26 b. The name and address of the person making the
18 27 disbursement.
18 28 c. The purpose of the electioneering communication.
18 29 2. Upon receiving a report that an electioneering
18 30 communication has been made or obligated to be made, and
18 31 upon determination that the electioneering communication can
18 32 reasonably be interpreted as having the effect of promoting
18 33 the defeat of a participating candidate or the election
18 34 of that candidate's opponent, the board shall immediately
18 35 release to that candidate additional clean election campaign



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19 1 funding, equal in amount to the cost of the electioneering
19 2 communication, subject to the limit set forth in section
19 3 68A.813.

19 4 Sec. 23. NEW SECTION. 68A.821 Voter information program.
19 5 1. The board shall establish and administer a nonpartisan
19 6 voter information program, including an advisory council
19 7 consisting of representatives of nonprofit organizations,
19 8 political parties, the media, and interested citizens.
19 9 2. The voter information program advisory council may
19 10 establish a voter information program for the purpose of
19 11 providing voters with election-related information and
19 12 fostering political dialogue and debate.

19 13 3. The voter information program advisory council
19 14 shall organize the publication and distribution of a voter
19 15 information guide that includes important information about the
19 16 following issues:

19 17 a. Candidates appearing on the ballot, including
19 18 biographical material submitted by the candidates.
19 19 b. Whether candidates are funding their campaigns with
19 20 public money or private money.
19 21 c. Policy statements by the candidates or their political
19 22 parties on issues designated by the council and other issues.
19 23 d. Candidates' voting records.

19 24 Sec. 24. NEW SECTION. 68A.822 Debates.
19 25 1. A nonpartisan organization that is involved in
19 26 providing information to the public concerning elections, or a
19 27 nonpartisan organization that has been involved in education
19 28 and the advocacy of open, clean election and campaign laws for
19 29 at least five years, may host and sponsor voter-owned Iowa
19 30 clean election candidate debates in contested primary and
19 31 general elections.

19 32 2. All participating candidates shall participate in the
19 33 debates and all nonparticipating candidates for the same office
19 34 whose names will appear on the ballot shall be invited to join
19 35 the debates.



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20 1 Sec. 25. NEW SECTION. 68A.823 Voter=owned Iowa clean
20 2 elections fund (VOICE) ==== nature and purposes.
20 3 1. A voter=owned Iowa clean elections fund is established as
20 4 a separate fund within the office of the state treasurer, under
20 5 the control of the board, for the following purposes:
20 6 a. Providing public financing for the election campaigns of
20 7 certified participating candidates during primary election and
20 8 general election campaign periods.
20 9 b. Paying for the administrative and enforcement costs of
20 10 the board in relation to this subchapter.
20 11 2. The fund shall consist of moneys received pursuant to
20 12 section 68A.824. Notwithstanding section 8.33, unencumbered
20 13 or unobligated moneys and any interest earned on moneys in the
20 14 fund on June 30 of any fiscal year shall not revert to the
20 15 general fund of the state but shall remain in the fund and be
20 16 available for expenditure in subsequent years.
20 17 Sec. 26. NEW SECTION. 68A.824 Funding.
20 18 In addition to any moneys appropriated by the general
20 19 assembly to the voter=owned Iowa clean elections fund
20 20 established in section 68A.823, the following moneys shall be
20 21 deposited in the fund:
20 22 1. The qualifying contributions required of candidates
20 23 seeking to become certified as participating candidates
20 24 according to section 68A.802 or 68A.803 and candidates' excess
20 25 qualifying contributions.
20 26 2. Moneys deposited in the fund pursuant to section 68A.610
20 27 or section 556.18.
20 28 3. The excess seed money contributions of candidates
20 29 seeking to become certified as participating candidates.
20 30 4. Moneys distributed to any participating candidate
20 31 who does not remain a candidate until the primary or general
20 32 election for which they were distributed.
20 33 5. Civil penalties levied by the board against candidates
20 34 for violations of this subchapter.
20 35 6. Voluntary donations made directly to the fund.



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21 1 7. Contributions received pursuant to section 68A.610.
21 2 8. Any other sources of revenue designated by the general
21 3 assembly.
21 4 Sec. 27. NEW SECTION. 68A.825 Powers and procedures.
21 5 The board shall have the following powers and duties, in
21 6 addition to those granted in this chapter and chapter 68B, when
21 7 administering this subchapter:
21 8 1. After every primary and general election, the board
21 9 may conduct random audits and investigations to ensure
21 10 compliance with this subchapter. The subjects of such audits
21 11 and investigations shall be selected on the basis of impartial
21 12 criteria established by a vote of at least four members of the
21 13 board.
21 14 2. a. The board may investigate anonymous complaints.
21 15 b. The identity of a complainant may be kept confidential
21 16 if the complainant states in the complaint that revealing
21 17 the identity of the complainant could reasonably result in
21 18 disciplinary action or loss of employment.
21 19 3. The board may seek injunctions when all of the following
21 20 conditions are met:
21 21 a. There is a substantial likelihood that a violation of
21 22 this subchapter is occurring or is about to occur.
21 23 b. The failure to act expeditiously will result in
21 24 irreparable harm to a party affected by the violation or
21 25 potential violation.
21 26 c. Expeditious action will not cause undue harm or prejudice
21 27 to the interests of others.
21 28 d. The public interest would be best served by the issuance
21 29 of an injunction.
21 30 4. The board may levy civil penalties for violations of
21 31 this subchapter. Civil penalties shall be deposited in the
21 32 voter-owned Iowa clean elections fund.
21 33 5. The board shall refer criminal violations to the county
21 34 attorney or attorney general for prosecution.
21 35 6. The board may participate fully in any actions filed



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22 1 under this section.
22 2 7. The board shall adopt rules pursuant to chapter 17A as
22 3 necessary to administer this subchapter.
22 4 Sec. 28. NEW SECTION. 68A.826 Civil actions.
22 5 1. A citizen who believes a candidate has violated this
22 6 subchapter may pursue a civil action in a court of relevant
22 7 jurisdiction, provided that both of the following are true:
22 8 a. The citizen has previously filed a complaint with the
22 9 board regarding the same alleged violation.
22 10 b. The board has failed to make a determination within
22 11 thirty days of the filing of the complaint.
22 12 2. A complainant who prevails in a civil action charging
22 13 a violation of this subchapter shall be entitled to receive
22 14 reasonable attorney fees and court costs from the defendant.
22 15 3. If a court in which a civil action has been filed under
22 16 subsection 1 finds that the complaint in that action was
22 17 made frivolously or without cause, the court may require the
22 18 complainant to pay the costs of the board, the court, and the
22 19 defendant parties.
22 20 Sec. 29. NEW SECTION. 68A.827 Board reports.
22 21 1. The board shall report to the general assembly after each
22 22 election cycle.
22 23 2. The report shall include a detailed summary of all
22 24 seed money contributions, qualifying contributions, and clean
22 25 election campaign funding benefits received, and expenditures
22 26 made, by all participating candidates. The report shall also
22 27 include a summary and evaluation of the board's activities and
22 28 recommendations relating to the implementation, administration,
22 29 and enforcement of this subchapter.
22 30 Sec. 30. NEW SECTION. 68A.828 Repayments of excess
22 31 expenditures.
22 32 1. If a participating candidate spends or obligates to spend
22 33 more than the clean election campaign funding the candidate
22 34 receives, and if such is determined not to be an amount that
22 35 had or could have been expected to have a significant impact



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23 1 on the outcome of the election, the candidate shall personally
23 2 repay to the voter=owned Iowa clean elections fund an amount
23 3 equal to the excess.
23 4 2. If a participating candidate spends or obligates to spend
23 5 more than the clean election campaign funding the candidate
23 6 receives, and if such is determined to be an amount that had or
23 7 could have been expected to have a significant impact on the
23 8 outcome of the election, the candidate shall personally repay
23 9 to the voter=owned Iowa clean elections fund an amount equal to
23 10 five times the value of the excess.
23 11 Sec. 31. NEW SECTION. 68A.829 Penalties.
23 12 1. A candidate shall not knowingly accept more benefits than
23 13 those to which the candidate is entitled, spend more than the
23 14 amount of clean election campaign funding received, or misuse
23 15 such clean election campaign funding benefits or clean election
23 16 campaign funding.
23 17 2. If a violation of subsection 1 was intentional and
23 18 involved an amount that had or could have been expected to
23 19 have a significant impact on the outcome of the election, the
23 20 candidate commits an aggravated misdemeanor.
23 21 3. If it is determined that the violation of subsection
23 22 1 was intentional and involved an amount that had or could
23 23 have been expected to have a significant impact on the
23 24 outcome of the election, and if, in the judgment of the
23 25 board, the violation is believed to have contributed to the
23 26 violator winning the election, the board may recommend to
23 27 the appropriate authority that proceedings be commenced to
23 28 remove the violator from office or to impeach the violator if
23 29 applicable.
23 30 4. A person shall not provide false information to the board
23 31 or conceal or withhold information from the board. A violation
23 32 of this subsection is an aggravated misdemeanor.
23 33 Sec. 32. NEW SECTION. 68A.830 Local provision.
23 34 Each city council, school board, and county board of
23 35 supervisors shall have the authority to adopt and fund a



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24 1 voter=owned Iowa clean elections fund, consistent with this
24 2 section, for local government elections.
24 3 Sec. 33. Section 422.7, Code 2011, is amended by adding the
24 4 following new subsection:
24 5 NEW SUBSECTION. 54. Subtract, to the extent not otherwise
24 6 excluded, up to two hundred dollars of the amount contributed
24 7 to the voter=owned Iowa clean elections fund pursuant to
24 8 section 68A.824, subsection 6.
24 9 Sec. 34. Section 422.12E, subsection 1, Code 2011, is
24 10 amended to read as follows:
24 11 1. For tax years beginning on or after January 1, 2004,
24 12 there shall be allowed no more than four income tax return
24 13 checkoffs on each income tax return. When the same four income
24 14 tax return checkoffs have been provided on the income tax
24 15 return for two consecutive years, the two checkoffs for which
24 16 the least amount has been contributed, in the aggregate for the
24 17 first tax year and through March 15 of the second tax year, are
24 18 repealed. This section does not apply to the income tax return
24 19 ~~checkoff~~ checkoffs provided in ~~section~~ sections 68A.601 and
24 20 68A.610.
24 21 Sec. 35. NEW SECTION. 422.12I Income tax checkoff for
24 22 voter=owned Iowa clean elections fund.
24 23 A person who files an individual or a joint income tax
24 24 return with the department of revenue under section 422.13
24 25 may designate a contribution to the voter=owned Iowa clean
24 26 elections fund authorized pursuant to section 68A.610.
24 27 Sec. 36. Section 556.18, subsection 2, Code 2011, is amended
24 28 by adding the following new paragraph:
24 29 NEW PARAGRAPH. e. Ten million dollars to be deposited
24 30 in the voter=owned Iowa clean elections fund established in
24 31 section 68A.823.
24 32 Sec. 37. Section 556.18, subsection 3, Code 2011, is amended
24 33 to read as follows:
24 34 3. The treasurer of state shall annually credit all moneys
24 35 received under section 556.4 to the general fund of the state.



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25 1 Moneys credited to the general fund of the state pursuant to
25 2 this subsection are subject to the requirements of subsections
25 3 1 and 2 and section 8.60. However, if the amount collected
25 4 under subsection 2, paragraph "e", does not equal ten million
25 5 dollars, the treasurer of state shall annually pay over an
25 6 amount received under section 556.4 as necessary to bring the
25 7 amount deposited with the voter-owned Iowa clean elections fund
25 8 to ten million dollars.

25 9 Sec. 38. SEVERABILITY. The provisions of this Act are
25 10 severable as provided in section 4.12.

25 11 Sec. 39. EFFECTIVE DATES.

25 12 1. The sections of this Act enacting sections 68A.610 and
25 13 422.12I and amending sections 422.7 and 556.18 are effective
25 14 January 1, 2012.

25 15 2. The remaining sections of this Act take effect November
25 16 14, 2014.

25 17 Sec. 40. IMPLEMENTATION OF ACT. Section 25B.2, subsection
25 18 3, shall not apply to this Act.

25 19 EXPLANATION

25 20 This bill amends Code chapter 68A, relating to campaign
25 21 finance law, in two distinct ways: the bill creates a
25 22 voluntary mechanism for publicly financed elections and
25 23 establishes contribution limits for candidates who do not
25 24 participate in the public financing process.

25 25 The bill enacts a process for public financing for statewide
25 26 and legislative elections, and enacts new Code section 68A.801,
25 27 providing definitions for key terms related to this process.

25 28 New Code section 68A.823 establishes a separate,
25 29 nonreverting fund in the state treasury to be known as the
25 30 voter-owned Iowa clean elections fund (VOICE), and new Code
25 31 section 68A.824 provides sources of revenue for the fund.

25 32 New Code sections 68A.802 and 68A.803 specify eligibility
25 33 procedures for both party and independent candidates,
25 34 specifying the number and details for collection of qualifying
25 35 contributions.



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26 1 New Code section 68A.806 prohibits a participating candidate
26 2 from accepting private funding during the primary and general
26 3 election campaign periods other than certain permitted party
26 4 funding. Contributions in the name of another person are
26 5 prohibited and subject to payment to the board as are any
26 6 applicable penalties. The use of personal funds for seed money
26 7 or as qualifying contributions is limited by new Code section
26 8 68A.809. Contributions to nonparticipating candidates are
26 9 limited in new Code section 68A.807.
26 10 New Code section 68A.807 establishes contribution limits for
26 11 those candidates who do not choose to participate in the public
26 12 financing process.
26 13 New Code section 68A.808 limits political party
26 14 contributions and expenditures on behalf of candidates.
26 15 New Code section 68A.810 details the collection of private
26 16 contributions for use as seed money, limited to \$100 per
26 17 individual contributor, and also limited in the aggregate in
26 18 differing amounts for candidates for governor and lieutenant
26 19 governor, for other statewide candidates, for Iowa senate
26 20 candidates, and for Iowa house of representatives candidates.
26 21 Seed money expenditures are limited to the clean election
26 22 campaign qualifying period and seed money contributions and
26 23 expenditures must be fully disclosed at the end of the public
26 24 financing qualifying period.
26 25 New Code section 68A.812 provides for a certification
26 26 process after a candidate applies for public financing campaign
26 27 funding benefits and requires repayment of funds if eligibility
26 28 is revoked. The bill provides for audit and judicial review
26 29 of the certification decision.
26 30 New Code section 68A.813 provides certain benefits for
26 31 participating candidates, including specified amounts of
26 32 public funding pursuant to new Code section 68A.815, mandatory
26 33 participation in debates pursuant to new Code sections 68A.811
26 34 and 68A.822, and additional limited public funding to respond
26 35 to certain excess expenditures by nonparticipating candidates,



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27 1 independent expenditures, and electioneering communications
27 2 expenditures. Any candidate who accepts benefits during the
27 3 primary campaign must continue to comply with the requirements
27 4 of the public financing program, even if the candidate stops
27 5 accepting benefits of the program at any point during the
27 6 primary or general election according to new Code section
27 7 68A.805.

27 8 New Code section 68A.814 provides for a schedule of
27 9 payments to participating candidates, and new Code section
27 10 68A.815 specifies differing total amounts for primary and
27 11 general elections for candidates for governor and lieutenant
27 12 governor, for other statewide candidates, for Iowa senate
27 13 candidates, and for Iowa house of representatives candidates.
27 14 Alternate amounts are provided for uncontested races. Clean
27 15 election campaign funding payments must be used only for
27 16 campaign-related expenses, and cannot be used for payments
27 17 in violation of law or to repay personal or business loans,
27 18 expenditures, or debts, pursuant to new Code section 68A.816.

27 19 Nonparticipating candidates must disclose within 48 hours
27 20 every expenditure in excess of the public financing funding
27 21 allocated to the candidate's participating opponent, that in
27 22 the aggregate is more than \$1,000, pursuant to new Code section
27 23 68A.817. Certain other reporting requirements apply during the
27 24 last 20 days of a campaign.

27 25 All candidates must include a statement with all
27 26 advertisements indicating that the candidate has approved of
27 27 the contents of the advertisement pursuant to new Code section
27 28 68A.818.

27 29 Persons making certain independent expenditures must
27 30 report such expenditures to the board, along with an affidavit
27 31 affirming that the expenditure has not been coordinated with
27 32 the candidate or party, pursuant to new Code section 68A.819.
27 33 Alleged violations of the coordination affirmation are subject
27 34 to an expedited hearing procedure.

27 35 Persons making certain electioneering communications must



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28 1 also report to the board pursuant to new Code section 68A.820.
28 2 New Code section 68A.821 provides that the board shall
28 3 administer a voter information program, including establishment
28 4 of an advisory council, to provide voters with election-related
28 5 information, including a voter guide with candidate
28 6 biographical material, policy statements, voting records, and
28 7 whether the candidate funds the campaign with public or private
28 8 money.

28 9 New Code section 68A.825 provides the board with certain
28 10 specific enforcement powers and duties in relation to the
28 11 new subchapter, and new Code section 68A.827 provides for an
28 12 election cycle report to the general assembly on the public
28 13 funding program.

28 14 New Code section 68A.826 creates a civil right of action for
28 15 citizens alleging that a candidate has violated the law.

28 16 Violations of the public funding program are subject
28 17 to aggravated misdemeanor penalties, pursuant to new Code
28 18 section 68A.829. An aggravated misdemeanor is punishable
28 19 by confinement for not more than two years and a fine of at
28 20 least \$625 but not more than \$6,250. New Code section 68A.828
28 21 provides for repayment of certain excess expenditures by the
28 22 candidate.

28 23 New Code sections 68A.610 and 422.12I create an income tax
28 24 checkoff for the voter-owned Iowa clean elections fund. This
28 25 checkoff allows a person to direct that \$5 of that person's
28 26 state income tax liability be paid over to the Iowa voter-owned
28 27 clean elections fund.

28 28 Code section 422.7, new subsection 54, is amended to
28 29 provide up to a \$200 exemption from income for purposes of the
28 30 individual income tax for contributions to the Iowa voter-owned
28 31 clean elections fund.

28 32 Code section 556.18 is amended to provide that \$10 million
28 33 shall be annually transferred from the proceeds from the sale
28 34 of lost or unclaimed property to the voter-owner Iowa clean
28 35 elections fund.



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29 1 The sections of the bill enacting the income tax checkoff
29 2 and the transfer in Code section 556.18 take effect January
29 3 1, 2012. The remainder of the bill takes effect November 14,
29 4 2014, which is the day after general election day, to allow the
29 5 new system to commence with a new campaign cycle. New Code
29 6 section 68A.804 provides guidelines for dealing with money
29 7 collected by candidates prior to the effective date of the
29 8 public financing program.
29 9 The bill may include a state mandate as defined in Code
29 10 section 25B.3. The bill makes inapplicable Code section 25B.2,
29 11 subsection 3, which would relieve a political subdivision from
29 12 complying with a state mandate if funding for the cost of
29 13 the state mandate is not provided or specified. Therefore,
29 14 political subdivisions are required to comply with any state
29 15 mandate included in the bill.

LSB 1746HH (6) 84

jr/sc



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House File 130 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act to increase the state minimum hourly wage and to provide
2 subsequent increases by the same percentage as the increase
3 in federal social security benefits.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1743YH (5) 84
je/rj



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House File 130 - Introduced continued

PAG LIN

1 1 Section 1. Section 91D.1, subsection 1, paragraph a, Code
1 2 2011, is amended to read as follows:
1 3 a. The state hourly wage shall be at least ~~\$6.20 as of~~
~~1 4 April 1, 2007, and \$7.25 as of January 1, 2008, \$7.50 as of~~
1 5 January 1, 2012, and \$8.00 as of July 1, 2012. The state hourly
1 6 wage, including the state hourly wage for the first ninety
1 7 calendar days of employment provided in paragraph "d", shall
1 8 be increased annually on July 1, beginning July 1, 2013, by
1 9 the same percentage as the cost-of-living increase in federal
1 10 social security benefits authorized during the previous state
1 11 fiscal year by the federal social security administration
1 12 pursuant to section 215 of the federal Social Security Act, 42
1 13 U.S.C. { 415.

1 14 EXPLANATION

1 15 This bill increases the state minimum hourly wage to \$7.50 as
1 16 of January 1, 2012, and \$8.00 as of July 1, 2012. The bill also
1 17 increases the state minimum hourly wage, including the minimum
1 18 hourly wage established for employees employed for less than 90
1 19 days, annually on July 1, beginning July 1, 2013, by the same
1 20 percentage as the cost-of-living increase in social security
1 21 benefits effective as of the previous December, as authorized
1 22 by the federal social security administration.

LSB 1743YH (5) 84

je/rj



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House File 131 - Introduced

HOUSE FILE
BY S. OLSON

A BILL FOR

1 An Act repealing provisions establishing an environmentally
2 preferable cleaning policy applicable to specified state
3 buildings and educational institutions, and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1563YH (2) 84
rn/sc



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House File 131 - Introduced continued

PAG LIN

1 1 Section 1. REPEAL. Section 8A.318, Code 2011, is repealed.
1 2 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 3 immediate importance, takes effect upon enactment.

1 4 EXPLANATION

1 5 This bill repeals Code section 8A.318, which established
1 6 a policy requiring state agencies utilizing state buildings,
1 7 and school districts, community colleges, and institutions
1 8 under the control of the state board of regents to conduct
1 9 an evaluation and assessment regarding implementation of an
1 10 environmentally preferable cleaning policy. Pursuant to the
1 11 Code section, state agencies utilizing public buildings, and
1 12 school districts, community colleges, and institutions under
1 13 the control of the state board of regents that did not opt out
1 14 of compliance with the policy, are currently required on or
1 15 after July 1, 2012, to purchase and utilize only cleaning and
1 16 maintenance products identified by the department of education
1 17 or that meet nationally recognized standards.

1 18 The bill takes effect upon enactment.

LSB 1563YH (2) 84

rn/sc



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House File 132 - Introduced

HOUSE FILE
BY SANDS

A BILL FOR

1 An Act relating to recording requirements and required notices
2 when approving, amending, or modifying certain urban renewal
3 plans.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1975YH (3) 84
md/sc



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House File 132 - Introduced continued

PAG LIN

1 1 Section 1. Section 403.5, subsection 2, paragraph b, Code
1 2 2011, is amended to read as follows:
1 3 b. Prior to its approval of an urban renewal plan which
1 4 provides for a division of revenue pursuant to section 403.19,
1 5 the municipality shall mail the proposed plan by regular mail
1 6 to the affected taxing entities and to the county auditor of
1 7 each county where the property included within the proposed
1 8 urban renewal area is located. The municipality shall include
1 9 with the proposed plan notification of a consultation to be
1 10 held between the municipality and affected taxing entities
1 11 prior to the public hearing on the urban renewal plan. Each
1 12 affected taxing entity may appoint a representative to attend
1 13 the consultation. The consultation may include a discussion of
1 14 the estimated growth in valuation of taxable property included
1 15 in the proposed urban renewal area, the fiscal impact of the
1 16 division of revenue on the affected taxing entities, the
1 17 estimated impact on the provision of services by each of the
1 18 affected taxing entities in the proposed urban renewal area,
1 19 and the duration of any bond issuance included in the plan.
1 20 The designated representative of the affected taxing entity may
1 21 make written recommendations for modification to the proposed
1 22 division of revenue no later than seven days following the date
1 23 of the consultation. The representative of the municipality
1 24 shall, no later than seven days prior to the public hearing
1 25 on the urban renewal plan, submit a written response to the
1 26 affected taxing entity addressing the recommendations for
1 27 modification to the proposed division of revenue.
1 28 Sec. 2. Section 403.5, subsection 3, Code 2011, is amended
1 29 to read as follows:
1 30 3. The local governing body shall hold a public hearing
1 31 on an urban renewal plan after public notice thereof by
1 32 publication in a newspaper having a general circulation in
1 33 the area of operation of the municipality. The notice shall
1 34 describe the time, date, place and purpose of the hearing,
1 35 shall generally identify the urban renewal area covered by the



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2 1 plan, and shall outline the general scope of the urban renewal
2 2 activities under consideration. A copy of the notice shall be
2 3 sent by ordinary mail to each affected taxing entity and to
2 4 the county auditor of each county where the property included
2 5 within the proposed urban renewal area is located.

2 6 Sec. 3. Section 403.5, Code 2011, is amended by adding the
2 7 following new subsection:

2 8 NEW SUBSECTION. 4A. Following approval of an urban renewal
2 9 plan that provides for a division of revenue by ordinance
2 10 under section 403.19, the ordinance shall be recorded in the
2 11 office of the county recorder of each county where the property
2 12 included within the urban renewal area is located. The
2 13 municipality shall also, within ten days of recording, file the
2 14 urban renewal plan along with all accompanying plats of survey
2 15 and other necessary documents in the office of the county
2 16 auditor of each county where the property included within the
2 17 urban renewal area is located.

2 18 EXPLANATION

2 19 This bill requires a municipality to provide notice of a
2 20 proposed urban renewal plan that provides for a division of
2 21 revenue to the county auditor of each county where the property
2 22 included within the proposed urban renewal area is located.
2 23 The bill also requires the municipality to provide the notice
2 24 of hearing on the proposed urban renewal plan to each such
2 25 county auditor.

2 26 The bill requires a municipality, following approval of an
2 27 urban renewal plan that provides for a division of revenue,
2 28 to record the ordinance establishing the division of revenue
2 29 in the office of the county recorder of each county where the
2 30 property included within the urban renewal area is located.
2 31 The municipality is also required, within 10 days of recording,
2 32 to file the urban renewal plan along with all accompanying
2 33 plats of survey and other necessary documents in the office of
2 34 the county auditor of each county where the property included
2 35 within the urban renewal area is located.

LSB 1975YH (3) 84

md/sc



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House File 133 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act providing for a worker shortage loan forgiveness
2 program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1729YH (1) 84
kh/nh



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House File 133 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 261.115 Worker shortage loan
1 2 forgiveness program.
1 3 1. A worker shortage loan forgiveness program is
1 4 established to be administered by the commission. An
1 5 individual is eligible for the program if the individual
1 6 graduated from a school district or accredited nonpublic school
1 7 in this state on or after January 1, 2010, is a resident of
1 8 the state, and successfully completed a vocational=technical
1 9 or career option program or graduated with an associate degree
1 10 from a community college established pursuant to chapter 260C
1 11 or graduated with a baccalaureate degree or postbaccalaureate
1 12 degree from an institution of higher education governed by
1 13 the state board of regents or from an accredited private
1 14 institution, and the individual meets either of the following
1 15 conditions:
1 16 a. Is employed and residing in this state and has been
1 17 employed and residing in this state for not less than two
1 18 consecutive years within three years of successfully completing
1 19 a vocational=technical or career option program or achieving an
1 20 associate degree from a community college.
1 21 b. Is employed and residing in this state and has been
1 22 employed and residing in this state for not less than four
1 23 consecutive years within five years of graduating with a
1 24 baccalaureate degree or postbaccalaureate degree from an
1 25 institution of higher education governed by the state board of
1 26 regents or from an accredited private institution.
1 27 2. Each applicant for loan forgiveness shall, in accordance
1 28 with the rules of the commission, do the following:
1 29 a. Complete and file an application for worker shortage
1 30 loan forgiveness. The individual shall be responsible for
1 31 the prompt submission of any information required by the
1 32 commission.
1 33 b. File a new application and submit information as
1 34 required by the commission annually on the basis of which the
1 35 applicant's eligibility for the renewed loan forgiveness will



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2 1 be evaluated and determined.
2 2 c. Complete and return on a form approved by the commission
2 3 an affidavit of eligibility verifying that the applicant met
2 4 the requirements of subsection 1.
2 5 3. The annual amount of worker shortage loan forgiveness
2 6 shall not exceed the following:
2 7 a. For an individual who meets the conditions of
2 8 subsection 1, paragraph "a", the combined resident tuition
2 9 rate established for the two years following the individual's
2 10 successful program completion or graduation from the community
2 11 college, or one hundred percent of the individual's total
2 12 federally guaranteed Stafford loan amount under the federal
2 13 family education loan program or the federal direct loan
2 14 program and any private student loan issued by a lender
2 15 that meets standards prescribed by the commission including
2 16 principal and interest, whichever amount is less.
2 17 b. For an individual who meets the conditions of
2 18 subsection 1, paragraph "b", the combined resident tuition
2 19 rate established for institutions of higher learning governed
2 20 by the state board of regents for the four years following
2 21 the individual's graduation from the regents university or
2 22 accredited private institution, or one hundred percent of the
2 23 individual's total federally guaranteed Stafford loan amount
2 24 under the federal family education loan program or the federal
2 25 direct loan program and any private student loan issued by
2 26 a lender that meets standards prescribed by the commission
2 27 including principal and interest, whichever amount is less.
2 28 4. The commission shall submit in a report to the general
2 29 assembly by January 1, annually, the number of individuals
2 30 who received loan forgiveness pursuant to this section, the
2 31 postsecondary institutions from which the individuals graduated
2 32 or successfully completed a vocational=technical or career
2 33 options program, where in the state program participants are
2 34 employed, program participants' employment classifications
2 35 or types of employment, the amount paid to each program



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3 1 participant, and other information identified by the commission
3 2 as indicators of outcomes from the program.

3 3 5. The commission shall adopt rules pursuant to chapter 17A
3 4 to administer this section.

3 5 EXPLANATION

3 6 This bill creates a worker shortage loan forgiveness program
3 7 to be administered by the college student aid commission. The
3 8 program is open to individuals who graduated from an Iowa
3 9 high school in 2010 or later, are employed and reside in the
3 10 state, and successfully completed a vocational=technical or
3 11 career option program or received a degree from an accredited
3 12 postsecondary institution in the state.

3 13 The individual must also have been employed and resided
3 14 in this state for a period of two consecutive years within
3 15 three years of successfully completing a vocational=technical
3 16 or career option program or achieving an associate degree
3 17 from a community college, or must have been employed and
3 18 resided in this state for a period of four consecutive years
3 19 within five years of graduating with a baccalaureate degree
3 20 or postbaccalaureate degree from a regents university or
3 21 accredited private institution.

3 22 In the case of an individual who attended a community
3 23 college, the total amount of worker shortage loan forgiveness
3 24 shall not exceed the combined resident tuition rate established
3 25 for the two years following the individual's successful program
3 26 completion or graduation from the community college, or 100
3 27 percent of the individual's total federal loan program and
3 28 private student loan amount including principal and interest,
3 29 whichever amount is less.

3 30 In the case of an individual who attended a regents
3 31 university or accredited private institution, the annual
3 32 amount of worker shortage loan forgiveness shall not exceed
3 33 the combined resident tuition rate established for regents
3 34 universities for the four years following the individual's
3 35 graduation, or 100 percent of the individual's total federal



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4 1 loan program and private student loan amount including
4 2 principal and interest, whichever amount is less. The
4 3 individual is eligible for the loan forgiveness program for not
4 4 more than four consecutive years.
4 5 The bill requires the commission to submit a report to the
4 6 general assembly by January 1, annually, with information
4 7 identified as indicators of outcomes from the program.



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House File 134 - Introduced

HOUSE FILE

BY ALONS, SWEENEY,
RAYHONS, SHAW,
HUSEMAN, KLEIN, and
DRAKE

A BILL FOR

1 An Act relating to the recovery of penalties and interest from
2 businesses receiving financial assistance under certain
3 economic development programs and including retroactive
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1683YH (3) 84

tw/nh



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House File 134 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.193, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. If a business has received incentives or assistance
1 4 under section 15E.196 and fails to maintain the requirements
1 5 of subsection 1 to be an eligible business, the business is
1 6 subject to repayment of all or a portion of the incentives
1 7 and assistance that it has received. The city or county, as
1 8 applicable, shall have the authority to take action to recover
1 9 the value of taxes not collected as a result of the exemption
1 10 provided by the community to the business. The department of
1 11 revenue shall have the authority to recover the value of state
1 12 taxes or incentives provided under section 15E.196. The value
1 13 of state incentives provided under section 15E.196 ~~includes~~
1 14 ~~applicable~~ does not include interest and or penalties. The
1 15 department of economic development and the city and county,
1 16 as applicable, shall enter into agreement with the business
1 17 specifying the method for determining the amount of incentives
1 18 or assistance paid which will be repaid in the event of failure
1 19 to maintain the requirements of subsection 1. In addition, a
1 20 business that fails to maintain the requirements of subsection
1 21 1 shall not receive incentives or assistance for each year
1 22 during which the business is not in compliance.
1 23 Sec. 2. APPLICABILITY. This Act applies retroactively
1 24 to January 1, 2006, for incentives or assistance received or
1 25 claimed on or after that date.

1 26 EXPLANATION

1 27 Code section 15E.193 allows the department of revenue, under
1 28 certain circumstances, to seek repayment of certain financial
1 29 incentives provided under the enterprise zones program, and
1 30 allows the department to charge penalties and interest.

1 31 This bill eliminates the department's authority to charge
1 32 penalties and interest.

1 33 The bill applies retroactively to January 1, 2006, for
1 34 incentives or assistance received or claimed on or after that
1 35 date.

LSB 1683YH (3) 84

tw/nh



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House File 135 - Introduced

HOUSE FILE
BY ISENHART and WILLEMS

A BILL FOR

1 An Act relating to the division of instructional support
2 program property tax revenue for urban renewal purposes and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1098YH (9) 84
md/sc



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House File 135 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.502, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 42A. Prepare and submit the report required
1 4 under section 403.19, subsection 9.

1 5 Sec. 2. Section 403.19, subsection 2, Code 2011, is amended
1 6 to read as follows:

1 7 2. a. That portion of the taxes each year in excess of such
1 8 amount shall be allocated to and when collected be paid into a
1 9 special fund of the municipality to pay the principal of and
1 10 interest on loans, moneys advanced to, or indebtedness, whether
1 11 funded, refunded, assumed, or otherwise, including bonds issued
1 12 under the authority of section 403.9, subsection 1, incurred
1 13 by the municipality to finance or refinance, in whole or in
1 14 part, an urban renewal project within the area, and to provide
1 15 assistance for low and moderate income family housing as
1 16 provided in section 403.22, ~~except that.~~ However, except as
1 17 provided in paragraph "b", taxes for the instructional support
1 18 program of a school district imposed pursuant to section 257.19

1 19 and taxes for the regular and voter-approved physical plant and
1 20 equipment levy of a school district imposed pursuant to section
1 21 298.2 and taxes for the payment of bonds and interest of each
1 22 taxing district must be collected against all taxable property
1 23 within the taxing district without limitation by the provisions
1 24 of this subsection.

1 25 b. (1) ~~However, all~~ All or a portion of the taxes for
1 26 the physical plant and equipment levy shall be paid by the
1 27 school district to the municipality if the auditor certifies
1 28 to the school district by July 1 the amount of such levy that
1 29 is necessary to pay the principal and interest on bonds issued
1 30 by the municipality to finance an urban renewal project, which
1 31 bonds were issued before July 1, 2001. Indebtedness incurred
1 32 to refund bonds issued prior to July 1, 2001, shall not be
1 33 included in the certification. Such school district shall pay
1 34 over the amount certified by November 1 and May 1 of the fiscal
1 35 year following certification to the school district.



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2 1 (2) (a) All or a portion of the taxes for the instructional
2 2 support program levy of a school district shall be paid by the
2 3 school district to the municipality if the auditor, pursuant
2 4 to subsection 8, certifies to the school district by July 1
2 5 the amount of such levy that is necessary to pay the principal
2 6 and interest on bonds issued or other indebtedness incurred by
2 7 the municipality to finance an urban renewal project that was
2 8 approved at a public hearing on or before the effective date
2 9 of this Act, if the urban renewal project or the applicable
2 10 urban renewal plan has not been amended following such approval
2 11 and if the bonds issued or indebtedness incurred has not been
2 12 refinanced by the municipality. Such school district shall pay
2 13 over the amount certified by November 1 and May 1 of the fiscal
2 14 year following certification to the school district.

2 15 (b) In lieu of payment to a municipality under subparagraph
2 16 division (a), a school district may by resolution of the board
2 17 of directors of the school district approve at a regular
2 18 meeting of the board of directors the payment of all or a
2 19 portion of the instructional support program property tax
2 20 revenue excluded under paragraph "a", to the municipality for
2 21 the payment of principal and interest on bonds issued or other
2 22 indebtedness incurred by the municipality for an urban renewal
2 23 project approved before, on, or after the effective date of
2 24 this Act.

2 25 c. Unless and until the total assessed valuation of the
2 26 taxable property in an urban renewal area exceeds the total
2 27 assessed value of the taxable property in such area as shown by
2 28 the last equalized assessment roll referred to in subsection 1,
2 29 all of the taxes levied and collected upon the taxable property
2 30 in the urban renewal area shall be paid into the funds for
2 31 the respective taxing districts as taxes by or for the taxing
2 32 districts in the same manner as all other property taxes.
2 33 When such loans, advances, indebtedness, and bonds, if any,
2 34 and interest thereon, have been paid, all moneys thereafter
2 35 received from taxes upon the taxable property in such urban



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3 1 renewal area shall be paid into the funds for the respective
3 2 taxing districts in the same manner as taxes on all other
3 3 property.

3 4 d. In those instances where a school district has entered
3 5 into an agreement pursuant to section 279.64 for sharing of
3 6 school district taxes levied and collected from valuation
3 7 described in this subsection and released to the school
3 8 district, the school district shall transfer the taxes as
3 9 provided in the agreement.

3 10 Sec. 3. Section 403.19, Code 2011, is amended by adding the
3 11 following new subsections:

3 12 NEW SUBSECTION. 8. For any fiscal year, a municipality
3 13 may certify to the county auditor for instructional support
3 14 program property tax revenue necessary for payment of principal
3 15 and interest on bonds issued or other indebtedness incurred
3 16 for an urban renewal project that was approved at a public
3 17 hearing on or before the effective date of this Act, if the
3 18 urban renewal project or the applicable urban renewal plan
3 19 has not been amended following such approval and if the bonds
3 20 issued or indebtedness incurred has not been refinanced by the
3 21 municipality. If for any fiscal year a municipality fails
3 22 to certify to the county auditor by July 1 the amount of
3 23 instructional support program property tax revenue necessary
3 24 for payment of principal and interest on such bonds, as
3 25 provided in subsection 2, the school district is not required
3 26 to pay over the revenue to the municipality. If a school
3 27 district and a municipality are unable to agree on the amount
3 28 of instructional support program property tax revenue certified
3 29 by the municipality, either party may request that the state
3 30 appeal board review and finally pass upon the amount that
3 31 may be certified. Such appeals must be presented in writing
3 32 to the state appeal board no later than July 31 following
3 33 certification. The burden shall be on the municipality to
3 34 prove that the instructional support program property tax
3 35 revenue is necessary to pay principal and interest on the



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4 1 applicable bonds. A final decision must be issued by the state
4 2 appeal board no later than the following October 1.
4 3 NEW SUBSECTION. 9. The county auditor shall prepare an
4 4 annual report of all urban renewal projects or urban renewal
4 5 plans within the county that utilized a division of revenue
4 6 under this section, including those projects and plans that
4 7 were terminated or that expired during the previous fiscal
4 8 year. Such report shall be submitted to the department of
4 9 management each year on or before October 1.

4 10 Sec. 4. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
4 11 Act, being deemed of immediate importance, takes effect upon
4 12 enactment and applies to property taxes due and payable in
4 13 fiscal years beginning on or after July 1, 2011.

4 14 EXPLANATION

4 15 Current Code section 403.19 excludes regular and
4 16 voter-approved physical plant and equipment levy (PPEL)
4 17 property taxes of a school district from a division of revenue
4 18 (tax increment financing) for urban renewal projects and
4 19 certain low and moderate income housing assistance. Current
4 20 Code section 403.19, however, also provides that all or a
4 21 portion of such taxes shall be paid by the school district to
4 22 the municipality if the county auditor certifies to the school
4 23 district by July 1 the amount of such levy that is necessary
4 24 to pay the principal and interest on bonds issued by the
4 25 municipality to finance an urban renewal project, if the bonds
4 26 were issued before July 1, 2001.

4 27 This bill establishes similar provisions for the property
4 28 taxes for the instructional support program of a school
4 29 district imposed pursuant to Code section 257.19, including
4 30 a provision requiring the school district to pay all or a
4 31 portion of such taxes to the municipality if the county auditor
4 32 certifies to the school district by July 1 the amount of such
4 33 levy that is necessary to pay the principal and interest on
4 34 bonds issued by the municipality to finance an urban renewal
4 35 project, if the bonds were issued before the effective date of



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5 1 the bill. Additionally, the bill allows the school district
5 2 to approve by resolution the payment of all or a portion of the
5 3 instructional support program property tax revenue otherwise
5 4 excluded under the bill, to the municipality for the payment of
5 5 principal and interest on bonds issued or other indebtedness
5 6 incurred by the municipality for an urban renewal project
5 7 approved before, on, or after the effective date of the bill.
5 8 The bill includes certification and reporting requirements
5 9 for the municipality and the county auditor and authorizes
5 10 an appeal to the state appeal board in the event the school
5 11 district and the municipality are unable to agree on the amount
5 12 of instructional support program property tax revenue payable
5 13 from the school district to the municipality.
5 14 The bill takes effect upon enactment and applies to property
5 15 taxes due and payable in fiscal years beginning on or after
5 16 July 1, 2011.

LSB 1098YH (9) 84

md/sc



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January 27, 2011

House File 136 - Introduced

HOUSE FILE
BY DEYOE

A BILL FOR

1 An Act reducing the assessment limitation for commercial and
2 industrial property and including retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1688YH (6) 84
md/sc



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PAG LIN

1 1 Section 1. Section 441.21, subsection 5, Code 2011, is
1 2 amended to read as follows:
1 3 5. For valuations established as of January 1, 1979,
1 4 commercial property and industrial property, excluding
1 5 properties referred to in section 427A.1, subsection 8, shall
1 6 be assessed as a percentage of the actual value of each class
1 7 of property. The percentage shall be determined for each
1 8 class of property by the director of revenue for the state in
1 9 accordance with the provisions of this section. For valuations
1 10 established as of January 1, 1979, the percentage shall be
1 11 the quotient of the dividend and divisor as defined in this
1 12 section. The dividend for each class of property shall be the
1 13 total actual valuation for each class of property established
1 14 for 1978, plus six percent of the amount so determined. The
1 15 divisor for each class of property shall be the valuation
1 16 for each class of property established for 1978, as reported
1 17 by the assessors on the abstracts of assessment for 1978,
1 18 plus the amount of value added to the total actual value by
1 19 the revaluation of existing properties in 1979 as equalized
1 20 by the director of revenue pursuant to section 441.49. For
1 21 valuations established as of January 1, 1979, property valued
1 22 by the department of revenue pursuant to chapters 428, 433,
1 23 437, and 438 shall be considered as one class of property and
1 24 shall be assessed as a percentage of its actual value. The
1 25 percentage shall be determined by the director of revenue in
1 26 accordance with the provisions of this section. For valuations
1 27 established as of January 1, 1979, the percentage shall be
1 28 the quotient of the dividend and divisor as defined in this
1 29 section. The dividend shall be the total actual valuation
1 30 established for 1978 by the department of revenue, plus ten
1 31 percent of the amount so determined. The divisor for property
1 32 valued by the department of revenue pursuant to chapters 428,
1 33 433, 437, and 438 shall be the valuation established for 1978,
1 34 plus the amount of value added to the total actual value by
1 35 the revaluation of the property by the department of revenue



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2 1 as of January 1, 1979. For valuations established as of
2 2 January 1, 1980, commercial property and industrial property,
2 3 excluding properties referred to in section 427A.1, subsection
2 4 8, shall be assessed at a percentage of the actual value of
2 5 each class of property. The percentage shall be determined
2 6 for each class of property by the director of revenue for the
2 7 state in accordance with the provisions of this section. For
2 8 valuations established as of January 1, 1980, the percentage
2 9 shall be the quotient of the dividend and divisor as defined in
2 10 this section. The dividend for each class of property shall
2 11 be the dividend as determined for each class of property for
2 12 valuations established as of January 1, 1979, adjusted by the
2 13 product obtained by multiplying the percentage determined
2 14 for that year by the amount of any additions or deletions to
2 15 actual value, excluding those resulting from the revaluation
2 16 of existing properties, as reported by the assessors on the
2 17 abstracts of assessment for 1979, plus four percent of the
2 18 amount so determined. The divisor for each class of property
2 19 shall be the total actual value of all such property in 1979,
2 20 as equalized by the director of revenue pursuant to section
2 21 441.49, plus the amount of value added to the total actual
2 22 value by the revaluation of existing properties in 1980. The
2 23 director shall utilize information reported on the abstracts of
2 24 assessment submitted pursuant to section 441.45 in determining
2 25 such percentage. For valuations established as of January 1,
2 26 1980, property valued by the department of revenue pursuant
2 27 to chapters 428, 433, 437, and 438 shall be assessed at a
2 28 percentage of its actual value. The percentage shall be
2 29 determined by the director of revenue in accordance with the
2 30 provisions of this section. For valuations established as of
2 31 January 1, 1980, the percentage shall be the quotient of the
2 32 dividend and divisor as defined in this section. The dividend
2 33 shall be the total actual valuation established for 1979 by
2 34 the department of revenue, plus eight percent of the amount so
2 35 determined. The divisor for property valued by the department



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3 1 of revenue pursuant to chapters 428, 433, 437, and 438 shall be
3 2 the valuation established for 1979, plus the amount of value
3 3 added to the total actual value by the revaluation of the
3 4 property by the department of revenue as of January 1, 1980.
3 5 For valuations established as of January 1, 1981, and each
3 6 year thereafter, the percentage of actual value as equalized
3 7 by the director of revenue as provided in section 441.49 at
3 8 which commercial property and industrial property, excluding
3 9 properties referred to in section 427A.1, subsection 8, shall
3 10 be assessed shall be calculated in accordance with the methods
3 11 provided herein, except that any references to six percent
3 12 in this subsection shall be four percent. For valuations
3 13 established as of January 1, 2011, and each year thereafter,
3 14 the percentage of actual value as equalized by the director
3 15 of revenue as provided in section 441.49 at which commercial
3 16 property and industrial property, excluding properties referred
3 17 to in section 427A.1, subsection 8, shall be assessed shall
3 18 be calculated in accordance with the methods provided herein,
3 19 except that any references to six percent or to four percent
3 20 in this subsection shall be zero percent. For valuations
3 21 established as of January 1, 1981, and each year thereafter,
3 22 the percentage of actual value at which property valued by
3 23 the department of revenue pursuant to chapters 428, 433, 437,
3 24 and 438 shall be assessed shall be calculated in accordance
3 25 with the methods provided herein, except that any references
3 26 to ten percent in this subsection shall be eight percent.
3 27 Beginning with valuations established as of January 1, 1979,
3 28 and each year thereafter, property valued by the department of
3 29 revenue pursuant to chapter 434 shall also be assessed at a
3 30 percentage of its actual value which percentage shall be equal
3 31 to the percentage determined by the director of revenue for
3 32 commercial property, industrial property, or property valued by
3 33 the department of revenue pursuant to chapters 428, 433, 437,
3 34 and 438, whichever is lowest.
3 35 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies



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4 1 retroactively to assessment years beginning on or after January
4 2 1, 2011.

4 3 EXPLANATION

4 4 This bill changes the property tax assessment limitation
4 5 percentage for commercial and industrial property from 4
4 6 percent to 0 percent.

4 7 The bill applies retroactively to assessment years beginning
4 8 on or after January 1, 2011.

LSB 1688YH (6) 84

md/sc



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HOUSE FILE

BY KAUFMANN, ALONS,
ARNOLD, BALTIMORE,
BAUDLER, BERRY,
BYRNES, CHAMBERS,
COHOON, COWNIE,
DOLECHECK, FORRISTALL,
FRY, GAINES, GASKILL,
HAGENOW, HALL, HEATON,
HEDDENS, HELLAND,
HUSEMAN, ISENHART,
JACOBY, KAJTAZOVIC,
KEARNS, KELLEY, KLEIN,
KOESTER, KRESSIG,
LUKAN, LYKAM, MASCHER,
L.?MILLER, MURPHY,
R.?OLSON, S.?OLSON,
PAUSTIAN, PETTENGILL,
QUIRK, RASMUSSEN,
RAYHONS, SCHULTE, J.
SMITH, M. SMITH,
SODERBERG, STECKMAN,
SWAIM, THEDE,
VAN?ENGELLENHOVEN,
VANDER?LINDEN, WAGNER,
WENTHE, WILLEMS,
WINCKLER, WINDSCHITL,
WORTHAN, SANDS, and
SCHULTZ

A BILL FOR

- 1 An Act relating to shorthand reporters.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1642YH (10) 84
jm/rj



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1 1 Section 1. Section 68B.39, Code 2011, is amended to read as
1 2 follows:

1 3 68B.39 Supreme court rules.

1 4 1. The supreme court of this state shall prescribe rules
1 5 establishing a code of ethics for officials and employees of
1 6 the judicial branch of this state, and the immediate family
1 7 members of the officials and employees. Rules prescribed under
1 8 this paragraph shall include provisions relating to the receipt
1 9 or acceptance of gifts and honoraria, interests in public
1 10 contracts, services against the state, and financial disclosure
1 11 which are substantially similar to the requirements of this
1 12 chapter. The rules shall not require disclosure of certified
1 13 shorthand reporter compensation authorized pursuant to section
1 14 602.3202.

1 15 2. The supreme court of this state shall also prescribe
1 16 rules which relate to activities by officials and employees of
1 17 the judicial branch which constitute conflicts of interest.

1 18 Sec. 2. Section 232.41, Code 2011, is amended to read as
1 19 follows:

1 20 232.41 ~~Reporter~~ Certified shorthand reporter required.

1 21 ~~Stenographic notes or mechanical or electronic recordings~~

1 22 ~~shall be taken~~ A certified shorthand reporter shall take
1 23 stenographic notes of all court hearings held pursuant to this
1 24 division unless waived by the parties. The child shall not be
1 25 competent to waive the reporting requirement, but waiver may
1 26 be made for the child by the child's counsel or guardian ad
1 27 litem. Matters which must be reported under the provisions of
1 28 this section shall be reported in the same manner as required
1 29 in section 624.9.

1 30 Sec. 3. Section 232.94, Code 2011, is amended to read as
1 31 follows:

1 32 232.94 ~~Reporter~~ Certified shorthand reporter required.

1 33 ~~Stenographic notes or electronic or mechanical recordings~~

1 34 ~~shall be taken~~ A certified shorthand reporter shall take
1 35 stenographic notes of all court hearings held pursuant to this



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2 1 division unless waived by the parties. The child shall not be
2 2 competent to waive the reporting requirement, but waiver may
2 3 be made for the child by the child's counsel or guardian ad
2 4 litem. Matters which must be reported under the provisions of
2 5 this section shall be reported in the same manner as required
2 6 in section 624.9.

2 7 Sec. 4. Section 232.115, Code 2011, is amended to read as
2 8 follows:

2 9 232.115 ~~Reporter~~ Certified shorthand reporter required.

2 10 ~~Stenographic notes or electronic or mechanical recordings~~
2 11 ~~shall be taken~~ A certified shorthand reporter shall take
2 12 stenographic notes of all court hearings held pursuant to this

2 13 division unless waived by the parties. The child shall not be
2 14 competent to waive the reporting requirement, but waiver may
2 15 be made for the child by the child's counsel or guardian ad
2 16 litem. Matters which must be reported under the provisions of
2 17 this section shall be reported in the same manner as required
2 18 in section 624.9.

2 19 Sec. 5. Section 602.1102, subsection 6, Code 2011, is
2 20 amended to read as follows:

2 21 6. ~~Court~~ Appointed certified shorthand reporters.

2 22 Sec. 6. Section 602.1214, subsection 4, Code 2011, is
2 23 amended to read as follows:

2 24 4. The district court administrator shall employ and
2 25 supervise all employees of the district court except ~~court~~
2 26 ~~certified shorthand reporters, clerks of the district court,~~
2 27 ~~employees of the clerks of the district court, juvenile court~~
2 28 ~~officers, and employees of juvenile court officers.~~

2 29 Sec. 7. Section 602.1301, subsection 2, paragraph a,
2 30 subparagraph (6), Code 2011, is amended to read as follows:

2 31 (6) ~~Court~~ certified shorthand reporters.

2 32 Sec. 8. Section 602.1502, subsections 2 and 3, Code 2011,
2 33 are amended to read as follows:

2 34 2. ~~Court~~ Certified shorthand reporters who are employed
2 35 on an emergency basis in the district court shall be paid not



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3 1 more than their usual and customary fees, while employed by the
3 2 court. Payments shall be made at least once each month.
3 3 3. ~~Court~~ Certified shorthand reporters shall be paid
3 4 compensation for transcribing their notes as provided in
3 5 section 602.3202, but shall not work on outside depositions
3 6 during the hours for which they are compensated as a court
3 7 employee.

3 8 Sec. 9. Section 602.1612, subsection 4, Code 2011, is
3 9 amended to read as follows:

3 10 4. A retired justice or judge may be authorized by the order
3 11 of assignment to appoint a temporary ~~court~~ certified shorthand
3 12 reporter, who shall receive the compensation and expense
3 13 reimbursement provided by law for a regular ~~court~~ certified
3 14 shorthand reporter in the court to which the justice or judge
3 15 is assigned.

3 16 Sec. 10. Section 602.2104, subsection 2, Code 2011, is
3 17 amended to read as follows:

3 18 2. In case of a hearing before the commission, written
3 19 notice of the charge and of the time and place of hearing shall
3 20 be mailed to a judicial officer or an employee of the judicial
3 21 branch at the person's residence at least twenty days prior to
3 22 the time set for hearing. Hearing shall be held in the county
3 23 where the judicial officer or employee of the judicial branch
3 24 resides unless the commission and the judicial officer or
3 25 employee of the judicial branch agree to a different location.
3 26 The judicial officer shall continue to perform judicial duties
3 27 during the pendency of the charge and the employee shall
3 28 continue to perform the employee's assigned duties, unless
3 29 otherwise ordered by the commission. The attorney general
3 30 shall prosecute the charge before the commission on behalf of
3 31 the state. A judicial officer or employee of the judicial
3 32 branch may defend and has the right to participate in person
3 33 and by counsel, to cross-examine, to be confronted by the
3 34 witnesses, and to present evidence in accordance with the
3 35 rules of civil procedure. A complete record shall be made



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4 1 of the evidence by a ~~court~~ certified shorthand reporter. In
4 2 accordance with its findings on the evidence, the commission
4 3 shall dismiss the charge or make application to the supreme
4 4 court to retire, discipline, or remove the judicial officer or
4 5 to discipline or remove an employee of the judicial branch.
4 6 Sec. 11. Section 602.3201, Code 2011, is amended to read as
4 7 follows:
4 8 602.3201 Requirement of certification ==== use of title.
4 9 A person shall not engage in the profession of shorthand
4 10 reporting unless the person is certified pursuant to this
4 11 chapter, or otherwise exempted pursuant to section 602.6603,
4 12 subsection 4 6. Only a person who is certified by the board
4 13 may assume the title of certified shorthand reporter, or use
4 14 the abbreviation C.S.R., or any words, letters, or figures to
4 15 indicate that the person is a certified shorthand reporter.
4 16 Sec. 12. Section 602.3202, Code 2011, is amended to read as
4 17 follows:
4 18 602.3202 Transcript fee.
4 19 1. Certified shorthand reporters are entitled to receive
4 20 compensation for transcribing their official notes as set by
4 21 rule of the supreme court, to be paid for in all cases by the
4 22 party ordering the transcription.
4 23 2. This section shall not be used to offset or reduce the
4 24 compensation paid to a certified shorthand reporter as a court
4 25 employee and any effort to confiscate compensation received for
4 26 transcribing a certified shorthand reporter's official notes
4 27 pursuant to this section shall be considered a taking.
4 28 Sec. 13. NEW SECTION. 602.3204 Transcription delay ====
4 29 unpaid leave.
4 30 A party to an appeal may petition the supreme court
4 31 requesting the court find that an unreasonable delay in the
4 32 preparation of the appeal transcript has occurred. Upon a
4 33 finding that an unreasonable delay has occurred the court may
4 34 place the appointed certified shorthand reporter on unpaid
4 35 leave until the transcript is completed.



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5 1 Sec. 14. NEW SECTION. 602.3205 Certified shorthand reporter
5 2 liaison duties.

5 3 1. The appointed certified shorthand reporters in each
5 4 judicial district shall designate an appointed certified
5 5 shorthand reporter in the judicial district to act as a
5 6 liaison with the clerk of the supreme court to ensure appeal
5 7 transcripts from the judicial district are handled in a timely
5 8 manner.

5 9 2. If an appointed certified shorthand reporter is placed
5 10 on unpaid leave pursuant to section 602.3204, the certified
5 11 shorthand reporter liaison or the liaison's designee for the
5 12 judicial district shall reassign the remaining appointed
5 13 certified shorthand reporters within the judicial district to
5 14 ensure that any proceeding requiring a stenographic record is
5 15 recorded.

5 16 Sec. 15. Section 602.6603, Code 2011, is amended to read as
5 17 follows:

5 18 602.6603 ~~Court reporters~~ Appointment of certified shorthand
5 19 and uncertified shorthand reporters and duties.

5 20 1. Each district judge shall appoint a ~~court~~ certified
5 21 shorthand reporter who shall, upon the request of a party in a
5 22 civil or criminal case, report the evidence and proceedings in
5 23 the case, and perform all duties as provided by law.

5 24 2. Each district associate judge may appoint a ~~court~~
5 25 ~~certified shorthand reporter~~, subject to the approval of the
5 26 chief judge of the judicial district. The chief judge of each
5 27 judicial district shall calculate the certified shorthand
5 28 reporter=to=district associate judge ratio in the judicial
5 29 district as of January 1, 2009. Any subsequent calculation of
5 30 the certified shorthand reporter=to=district associate judge
5 31 ratio in the judicial district shall not fall below the ratio
5 32 that existed on January 1, 2009. Certified shorthand reporters
5 33 appointed by a district judge or otherwise assigned to a
5 34 district judge shall not be included in the calculation of the
5 35 ratio under this subsection.



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6 1 3. A district associate judge shall use a certified
6 2 shorthand reporter, upon the request of a party, for all
6 3 criminal trials or hearings, juvenile proceedings, and in civil
6 4 cases where the amount in controversy exceeds the small claims
6 5 jurisdictional amount pursuant to section 631.1.

6 6 4. An appointed certified shorthand reporter not presently
6 7 involved with reporting the evidence and proceedings in a case
6 8 with a judge may be reassigned to other judicial branch duties
6 9 as specified by the chief judge or certified shorthand reporter
6 10 liaison pursuant to section 602.3205.

6 11 ~~3.~~ 5. If a chief judge of a judicial district determines
6 12 that it is necessary to employ an additional ~~court~~ certified
6 13 shorthand reporter because of an extraordinary volume of work,
6 14 or because of the temporary illness or incapacity of a regular
6 15 ~~court~~ certified shorthand reporter, the chief judge may appoint
6 16 a temporary ~~court~~ certified shorthand reporter who shall serve
6 17 as required by the chief judge.

6 18 ~~4.~~ 6. If a regularly appointed ~~court~~ certified shorthand
6 19 reporter becomes disabled, or if a vacancy occurs in a
6 20 regularly appointed ~~court~~ certified shorthand reporter
6 21 position, and notwithstanding any other provision of the law
6 22 to the contrary, the judge may appoint a competent uncertified
6 23 shorthand reporter for a period of time of up to six months,
6 24 upon verification by the chief judge that a diligent but
6 25 unsuccessful search has been conducted to appoint a certified
6 26 shorthand reporter to the position and, in a disability case,
6 27 that the regularly appointed ~~court~~ certified shorthand reporter
6 28 is disabled. An uncertified shorthand reporter shall not be
6 29 reappointed to the position unless the reporter becomes a
6 30 certified shorthand reporter within the period of appointment
6 31 under this subsection. If an uncertified shorthand reporter
6 32 is appointed pursuant to this subsection, the uncertified
6 33 shorthand reporter shall be treated as a certified shorthand
6 34 reporter for all purposes including oaths, fees, and other
6 35 official duties.



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7 1 7. If a reassignment occurs pursuant to section 602.3205 and
7 2 a proceeding requiring a stenographic record is unable to be
7 3 recorded, the chief judge, notwithstanding any other provision
7 4 of the law to the contrary, may contract with a certified or
7 5 uncertified shorthand reporter who has not been appointed as a
7 6 shorthand reporter for the judicial branch to ensure that any
7 7 proceeding requiring a stenographic record is recorded. If an
7 8 uncertified shorthand reporter is appointed pursuant to this
7 9 subsection, the uncertified shorthand reporter shall be treated
7 10 as a certified shorthand reporter for all purposes including
7 11 oaths, fees, and other official duties.
7 12 ~~5.~~ 8. Except as provided in ~~subsection 4~~ subsections 6 and
7 13 7, a person shall not be appointed to the position of ~~court~~
~~7 14~~ certified shorthand reporter of the district court unless the
7 15 person has been certified as a shorthand reporter by the board
7 16 of examiners under article 3.
7 17 ~~6.~~ 9. Each ~~court~~ certified shorthand reporter shall take an
7 18 oath faithfully to perform the duties of office, which shall be
7 19 filed in the office of the clerk of district court.
7 20 ~~7.~~ 10. A ~~court~~ certified shorthand reporter may be removed
7 21 for cause with due process by the judicial officer making the
7 22 appointment.
7 23 ~~8.~~ 11. If a judge dies, resigns, retires, is removed from
7 24 office, becomes disabled, or fails to be retained in office
7 25 and the judicial vacancy is eligible to be filled, the ~~court~~
~~7 26~~ certified shorthand reporter appointed by the judge shall
7 27 serve as a ~~court~~ certified shorthand reporter, as directed
7 28 by the chief judge or the chief judge's designee, until the
7 29 successor judge appoints a successor ~~court~~ certified shorthand
7 30 reporter. The ~~court~~ certified shorthand reporter shall receive
7 31 the reporter's regular salary and benefits during the period
7 32 of time until a successor ~~court~~ certified shorthand reporter
7 33 is appointed or until the currently appointed ~~court~~ certified
7 34 shorthand reporter is reappointed.
7 35 Sec. 16. Section 602.8102, subsection 99, Code 2011, is



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8 1 amended to read as follows:

8 2 99. Collect jury fees and ~~court~~ court certified shorthand
8 3 reporter fees as required by chapter 625.

8 4 Sec. 17. Section 602.8103, subsection 4, paragraphs g, h,
8 5 and j, Code 2011, are amended to read as follows:

8 6 g. ~~Court~~ Certified shorthand reporters' notes and certified
8 7 transcripts of those notes in civil cases, ten years after
8 8 final disposition of the case. For purposes of this section,
8 9 "final disposition" means one year after dismissal of the case,
8 10 after judgment or decree without appeal, or after procedendo or
8 11 dismissal of appeal is filed in cases where appeal is taken.

8 12 h. ~~Court~~ Certified shorthand reporters' notes and
8 13 certified transcripts of those notes in criminal cases, ten
8 14 years after dismissal of all charges, or ten years after the
8 15 expiration of all sentences imposed or the date probation
8 16 is granted, whichever later occurs. For purposes of this
8 17 subsection, "sentences imposed" include all sentencing options
8 18 pursuant to section 901.5.

8 19 j. ~~Court~~ Certified shorthand reporters' notes and certified
8 20 transcripts of those notes in mental health hearings under
8 21 section 229.12 and substance abuse hearings under section
8 22 125.82, ninety days after the respondent has been discharged
8 23 from involuntary custody.

8 24 Sec. 18. Section 602.9206, unnumbered paragraph 1, Code
8 25 2011, is amended to read as follows:

8 26 Section 602.1612 does not apply to a senior judge but does
8 27 apply to a retired senior judge. During the tenure of a senior
8 28 judge, if the judge is able to serve, the judge may be assigned
8 29 by the supreme court to temporary judicial duties on courts of
8 30 this state without salary for an aggregate of thirteen weeks
8 31 out of each twelve-month period, and for additional weeks with
8 32 the judge's consent. A senior judge shall not be assigned to
8 33 judicial duties on the supreme court unless the judge has been
8 34 appointed to serve on the supreme court prior to retirement.
8 35 While serving on temporary assignment, a senior judge has



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9 1 and may exercise all of the authority of the office to which
9 2 the judge is assigned, shall continue to be paid the judge's
9 3 annuity as senior judge, shall be reimbursed for the judge's
9 4 actual expenses to the extent expenses of a district judge are
9 5 reimbursable under section 602.1509, may, if permitted by the
9 6 assignment order, appoint a temporary ~~court~~ certified shorthand
9 7 reporter, who shall be paid the remuneration and reimbursement
9 8 for actual expenses provided by law for a reporter in the
9 9 court to which the senior judge is assigned, and, if assigned
9 10 to the court of appeals or the supreme court, shall be given
9 11 the assistance of a law clerk and a secretary designated by
9 12 the court administrator of the judicial branch from the court
9 13 administrator's staff. Each order of temporary assignment
9 14 shall be filed with the clerks of court at the places where the
9 15 senior judge is to serve.

9 16 Sec. 19. Section 622.53, Code 2011, is amended to read as
9 17 follows:

9 18 622.53 Judicial record ==== state or federal courts.

9 19 A judicial record of this state, including the filed
9 20 certified shorthand notes of the official ~~court~~ certified
9 21 shorthand reporter as transcribed or of a court of the United
9 22 States may be proved by the production of the original judicial
9 23 record, or a copy of ~~it~~ the original judicial record certified
9 24 by the clerk or person having the legal custody of ~~it~~ the
9 25 original judicial record, authenticated by the custodian's
9 26 seal of office, if there is a seal. That of another state may
9 27 be proved by the attestation of the clerk and the seal of the
9 28 court annexed, if there is a seal, together with a certificate
9 29 of a judge, chief justice, or presiding magistrate that the
9 30 attestation is in due form of law.

9 31 Sec. 20. Section 624.9, Code 2011, is amended to read as
9 32 follows:

9 33 624.9 Detailed report of trial.

9 34 In all appealable actions triable by ordinary or equitable
9 35 proceedings, any party thereto shall be entitled to have



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10 1 reported the whole proceedings upon the trial or hearing, and
10 2 the court shall direct ~~the~~ a certified shorthand reporter to
10 3 make such report in writing, ~~or~~ shorthand, or by stenographic
10 4 means which shall contain the date of the commencement of the
10 5 trial, the proceedings impaneling the jury, and any objections
10 6 thereto with the rulings thereon, the oral testimony at
10 7 length, and all offers thereof, all objections thereto, the
10 8 rulings thereon, the identification as exhibits, by letter
10 9 or number or other appropriate mark, of all written or other
10 10 evidence offered, and by sufficient reference thereto, made
10 11 in the report, to make certain the object or thing offered,
10 12 all objections to such evidence and the rulings thereon, all
10 13 motions or other pleas orally made and the rulings thereon,
10 14 the fact that the testimony was closed, the portions of
10 15 arguments objected to, when so ordered by the court, all
10 16 objections thereto with the rulings thereon, all oral comments
10 17 or statements of the court during the progress of the trial,
10 18 and any exceptions taken thereto, the fact that the jury is
10 19 instructed, all objections and exceptions to instructions given
10 20 by the court on its own motion, the fact that the case is given
10 21 to the jury, the return of the verdict and action thereon of
10 22 whatever kind, and any other proceedings before the court or
10 23 jury which might be preserved and made of record by bill of
10 24 exceptions, and shall note that exception was saved by the
10 25 party adversely affected to every ruling made by the court.

10 26 Sec. 21. Section 625.8, subsection 2, Code 2011, is amended
10 27 to read as follows:

10 28 2. The clerk of the district court shall tax as a court
10 29 cost a fee of forty dollars per day for the services of a ~~court~~
10 30 certified shorthand reporter.

10 31 Sec. 22. Section 631.11, subsection 3, Code 2011, is amended
10 32 to read as follows:

10 33 3. Record. Upon the trial, the judicial magistrate shall
10 34 make detailed minutes of the testimony of each witness and
10 35 append the exhibits or copies thereof to the record. The



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House File 137 - Introduced continued

11 1 proceedings upon trial shall not be reported by a certified
11 2 ~~court~~ certified shorthand reporter, unless the party provides
11 3 the reporter at such party's expense. If the proceedings are
11 4 not reported by a certified ~~court~~ certified shorthand reporter,
11 5 the magistrate shall cause the proceedings upon trial to be
11 6 recorded electronically, and both parties shall be notified
11 7 in advance of that recording. If the proceedings have been
11 8 recorded electronically, the recording shall be retained under
11 9 the jurisdiction of the magistrate unless appealed, and upon
11 10 appeal shall be transcribed only by a person designated by the
11 11 court under the supervision of the magistrate.

11 12 Sec. 23. Section 631.13, subsection 4, paragraph a,
11 13 unnumbered paragraph 2, Code 2011, is amended to read as
11 14 follows:

11 15 If the record, in the opinion of the deciding judge, is
11 16 inadequate for the purpose of rendering a judgment on appeal,
11 17 the judge may order that additional evidence be presented
11 18 relative to one or more issues, and may enter any other order
11 19 which is necessary to protect the rights of the parties. The
11 20 judge shall take minutes of any additional evidence, but the
11 21 hearing shall not be reported by a certified ~~court~~ shorthand
11 22 reporter.

11 23 Sec. 24. Section 908.2, subsection 2, Code 2011, is amended
11 24 to read as follows:

11 25 2. The magistrate may order the alleged parole violator
11 26 confined in the county jail or may order the alleged parole
11 27 violator released on bail under terms and conditions as the
11 28 magistrate may require. Admittance to bail is discretionary
11 29 with the magistrate and is not a matter of right. A person
11 30 for whom bail is set may make application for amendment of
11 31 bail to a district judge or district associate judge having
11 32 jurisdiction to amend the order. The motion shall be promptly
11 33 set for hearing and a stenographic record shall be made of the
11 34 hearing.

11 35

EXPLANATION



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House File 137 - Introduced continued

12 1 This bill relates to shorthand reporters.
12 2 The bill prohibits the Iowa supreme court from requiring, by
12 3 rule, disclosure of transcription compensation received by a
12 4 certified shorthand reporter pursuant to Code section 602.3202.
12 5 The bill specifies that a certified court reporter
12 6 shall take stenographic notes of all proceedings involving
12 7 delinquency, child in need of assistance, and termination of
12 8 parental rights.
12 9 The bill specifies that transcription compensation earned
12 10 pursuant to Code section 602.3202 shall not be used to offset
12 11 or reduce the compensation paid to a certified shorthand
12 12 reporter as a court employee and any effort to confiscate
12 13 compensation received for transcribing their official notes
12 14 shall be considered a taking.
12 15 The bill allows a party during the pendency of an appeal
12 16 to petition the Iowa supreme court requesting the court find
12 17 that an unreasonable delay in the preparation of the appeal
12 18 transcript has occurred. The bill provides that upon a finding
12 19 that an unreasonable delay has occurred the court may place
12 20 the certified shorthand reporter on unpaid leave until the
12 21 transcript is completed.
12 22 The bill provides that certified shorthand reporters in
12 23 each judicial district shall designate a certified shorthand
12 24 reporter in the judicial district to act as a liaison with the
12 25 clerk of the supreme court to ensure appeal transcripts from
12 26 the judicial district are prepared in a timely manner.
12 27 Under the bill, if a certified shorthand reporter is placed
12 28 on unpaid leave due to an unreasonable delay in the preparation
12 29 of an appeal transcript, the certified shorthand reporter
12 30 liaison or the liaison's designee for the judicial district
12 31 shall reassign the remaining certified shorthand reporters
12 32 within the judicial district to ensure that any proceeding that
12 33 requires a stenographic record is recorded. If a reassignment
12 34 occurs under the bill and a proceeding requiring a stenographic
12 35 record is unable to be recorded, the chief judge may contract



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House File 137 - Introduced continued

13 1 with a certified or uncertified shorthand reporter who has
13 2 not been appointed as a certified shorthand reporter for the
13 3 judicial branch to ensure that any proceeding requiring a
13 4 stenographic record is recorded. The bill provides that if an
13 5 uncertified shorthand reporter is appointed, the uncertified
13 6 reporter shall be treated as a certified shorthand reporter for
13 7 purposes of oaths, fees, and other judicial duties.

13 8 The bill requires the chief judge of each judicial district
13 9 to calculate the certified shorthand reporter=to=district
13 10 associate judge ratio in the judicial district as of January
13 11 1, 2009. The bill prohibits any subsequent calculation of the
13 12 certified shorthand reporter=to=district associate judge ratio
13 13 in the judicial district to fall below the ratio that existed
13 14 on January 1, 2009. The bill also prohibits a certified
13 15 shorthand reporter appointed by a district judge or otherwise
13 16 assigned to a district judge to be included in the calculation
13 17 of the ratio.

13 18 The bill specifies that a district associate judge, upon the
13 19 request of a party, shall use a certified shorthand reporter in
13 20 all criminal trials or hearings, juvenile proceedings, and in
13 21 civil cases where the amount in controversy exceeds the small
13 22 claims jurisdictional amount established under Code section
13 23 631.1.

13 24 The bill specifies that a certified shorthand reporter not
13 25 presently involved with reporting the evidence and proceedings
13 26 in a case with a judge may be reassigned to other judicial
13 27 branch duties as specified by the chief judge or certified
13 28 shorthand reporter liaison.

13 29 The bill changes the designation "court reporter" to
13 30 "certified shorthand reporter" in most places the designation
13 31 appears in the Code.

LSB 1642YH (10) 84

jm/rj



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House File 138 - Introduced

HOUSE FILE

BY KAUFMANN, SCHULTZ,
SCHULTE, MOORE,
LOFGREN, BAUDLER,
PETTENGILL, HEATON,
L.?MILLER, RAYHONS,
FORRISTALL, ALONS,
HUSEMAN, CHAMBERS,
ANDERSON, BRANDENBURG,
S.?OLSON, PAUSTIAN,
KLEIN, BYRNES,
VANDER?LINDEN, MASSIE,
VAN?ENGELLENHOVEN,
WORTHAN, FRY, KOESTER,
SODERBERG, ROGERS,
GRASSLEY, SWAIM,
BERRY, KRESSIG,
KAJTAZOVIC, WITTNEBEN,
WILLEMS, STECKMAN,
GASKILL, KEARNS,
WENTHE, QUIRK, and
SANDS

A BILL FOR

1 An Act relating to gubernatorial appointments made to a
2 district judicial nominating commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1654YH (3) 84
jm/rj



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House File 138 - Introduced continued

PAG LIN

1 1 Section 1. Section 46.3, Code 2011, is amended to read as
1 2 follows:
1 3 46.3 Appointment of district judicial nominating
1 4 commissioners.
1 5 1. The governor shall appoint five eligible electors of each
1 6 judicial election district to the district judicial nominating
1 7 commission.
1 8 2. ~~Appointments~~ The appointments made by the governor
1 9 shall be to staggered terms of six years each and shall be
1 10 made in the month of January for terms commencing February 1
1 11 of even-numbered years.
1 12 3. ~~No more than a~~ A simple majority of the commissioners
1 13 appointed shall be of the same gender.
1 14 4. Beginning with terms commencing February 1, 2012, there
1 15 shall not be more than one appointed commissioner from a
1 16 county within a judicial election district unless each county
1 17 within the judicial election district has an appointed or
1 18 elected commissioner or the number of appointed commissioners
1 19 exceeds the number of counties within the judicial election
1 20 district. This subsection shall not be used to remove an
1 21 appointed commissioner from office prior to the expiration of
1 22 the commissioner's term.

1 23 EXPLANATION
1 24 This bill relates to gubernatorial appointments made to a
1 25 district judicial nominating commission.
1 26 Beginning with the terms commencing on February 1, 2012,
1 27 the bill provides that the governor shall not appoint more
1 28 than one commissioner from a county within a judicial election
1 29 district unless each county within the judicial election
1 30 district has an appointed or elected commissioner or the number
1 31 of appointed commissioners exceeds the number of counties
1 32 within the judicial election district. Current law does not
1 33 place residency restrictions on governor appointments to the
1 34 commission other than the person shall reside within the
1 35 judicial election district.



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House File 138 - Introduced continued

2 1 A district judicial nominating commission nominates three
2 2 persons to the governor who then selects a person from the
2 3 list of nominees for appointment to fill a vacancy in district
2 4 court.
2 5 A district judicial nominating commission consists of five
2 6 eligible electors of the judicial election district appointed
2 7 to staggered terms by the governor, five eligible electors of
2 8 the judicial election district elected to staggered terms by
2 9 the lawyers of the judicial election district, and the most
2 10 senior district judge of the judicial election district.

LSB 1654YH (3) 84

jm/rj



Iowa General Assembly
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House File 139 - Introduced

HOUSE FILE

BY KAUFMANN, GRASSLEY,
LOFGREN, MOORE, KLEIN,
BAUDLER, PETTENGILL,
HEATON, L.?MILLER,
RAYHONS, FORRISTALL,
ALONS, HUSEMAN,
HAGENOW, CHAMBERS,
BRANDENBURG, SCHULTE,
SCHULTZ, S.?OLSON,
PAUSTIAN, HAGER,
VANDER?LINDEN, BYRNES,
MASSIE, PEARSON,
VAN?ENGELLENHOVEN,
RASMUSSEN, ARNOLD,
WORTHAN, FRY,
SODERBERG, ROGERS,
COWNIE, WAGNER, LUKAN,
DOLECHECK, SANDS,
WINDSCHITL, and JACOBY

A BILL FOR

1 An Act requiring faculty members of regents institutions and
2 community colleges charged with a crime to repay all salary
3 received during a paid leave of absence if convicted.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1551HH (3) 84

je/nh



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House File 139 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 23. Adopt rules requiring a faculty member
1 4 on a leave of absence with full or partial compensation because
1 5 the faculty member is charged with the commission of a public
1 6 offense classified as a felony, an aggravated misdemeanor, or
1 7 a serious misdemeanor to repay to the community college all
1 8 salary the faculty member received during the period of the
1 9 leave of absence if the faculty member is convicted of the
1 10 public offense.

1 11 Sec. 2. Section 262.9, Code 2011, is amended by adding the
1 12 following new subsection:

1 13 NEW SUBSECTION. 36. Require each of the institutions of
1 14 higher education governed by the board to adopt rules requiring
1 15 a faculty member on a leave of absence with full or partial
1 16 compensation because the faculty member is charged with the
1 17 commission of a public offense classified as a felony, an
1 18 aggravated misdemeanor, or a serious misdemeanor to repay to
1 19 the institution all salary the faculty member received during
1 20 the period of the leave of absence if the faculty member is
1 21 convicted of the public offense.

1 22 EXPLANATION

1 23 This bill requires regents institutions and community
1 24 colleges to adopt rules requiring a faculty member on a leave
1 25 of absence with full or partial compensation because the
1 26 faculty member is charged with the commission of a public
1 27 offense classified as a felony, an aggravated misdemeanor, or
1 28 a serious misdemeanor, to repay all salary the faculty member
1 29 received during the period of the leave of absence if the
1 30 faculty member is convicted of the public offense.

LSB 1551HH (3) 84

je/nh



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House File 140 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act imposing a fee on certain campaign contributions and
2 independent expenditures, creating a special fund for these
3 fees, and providing for a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1079YH (7) 84
jr/rj



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House File 140 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.702 Fee imposed.
1 2 1. a. (1) A five percent fee is imposed, payable by
1 3 the recipient from the recipient's campaign fund, on all
1 4 contributions received from a single source, if the aggregate
1 5 amount received from that source, in any calendar year, exceeds
1 6 two hundred fifty dollars, and made to a state or county
1 7 statutory political committee, political committee, candidate,
1 8 or candidate's committee.
1 9 (2) This paragraph "a" does not apply to contributions made
1 10 between a candidate's committee and a state or county statutory
1 11 political committee.
1 12 b. A five percent fee is imposed on the entire amount of
1 13 any independent expenditure made by a candidate, candidate's
1 14 committee, political committee, or corporation.
1 15 2. Fees are due and payable upon filing of a disclosure
1 16 report by a state or county statutory political committee,
1 17 political committee, or candidate's committee and upon
1 18 disclosure of an independent expenditure by a candidate,
1 19 candidate's committee, political committee, or corporation.
1 20 3. a. Funds raised by the fees imposed under this section
1 21 shall be deposited in the accountable campaigns fund. The
1 22 accountable campaigns fund is established as a separate fund
1 23 within the office of the treasurer of state, under the control
1 24 of the board, for the following purposes:
1 25 (1) To offset and replace funds appropriated by the general
1 26 assembly to the board. Any general fund appropriation to the
1 27 board is automatically reduced by the amounts deposited into
1 28 the fund.
1 29 (2) For the general operation of the board.
1 30 b. The fund shall consist of moneys received pursuant to
1 31 this section. Notwithstanding section 8.33, unencumbered
1 32 or unobligated moneys in the fund on June 30 of any fiscal
1 33 year shall not revert to the general fund of the state but
1 34 shall remain in the fund and be available for expenditure in
1 35 subsequent years. Notwithstanding section 12C.7, interest or



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House File 140 - Introduced continued

2 1 earnings on moneys in the fund shall be credited to the fund.
2 2 Sec. 2. Section 68B.32D, subsection 1, paragraph h, Code
2 3 2011, is amended to read as follows:
2 4 h. Issue an order requiring the violator to pay a civil
2 5 penalty of not more than two thousand dollars for each
2 6 violation of this chapter, chapter 68A, section 8.7, or
2 7 rules adopted by the board. To the extent practicable, the
2 8 board shall by rule create a list of scheduled offenses and
2 9 penalties. In addition to any applicable penalty, a violator
2 10 is also responsible for all costs in collecting a penalty that
2 11 is delinquent.

2 12 EXPLANATION

2 13 This bill imposes a 5 percent fee on all contributions
2 14 received by a state or county statutory political committee,
2 15 political committee, candidate, or candidate's committee,
2 16 from a single source, if the aggregate amount received from
2 17 that source, in any calendar year, exceeds \$250. A 5 percent
2 18 fee is also imposed on the entire amount of any independent
2 19 expenditure made by a candidate or candidate's committee or
2 20 corporation.

2 21 Fees are deposited in the accountable campaigns fund. The
2 22 funds do not revert and are used to replace funds appropriated
2 23 by the general assembly.

2 24 The bill requires the board to adopt rules creating a list of
2 25 scheduled offenses and penalties. In addition to the penalty,
2 26 a violator is also responsible for all costs in collecting a
2 27 penalty that is delinquent.

LSB 1079YH (7) 84

jr/rj



Iowa General Assembly
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House File 141 - Introduced

HOUSE FILE
BY WINDSCHITL and
CHAMBERS

A BILL FOR

1 An Act providing an exemption from the computation of the
2 individual state income tax of all pay received for
3 active duty military service and including retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1110YH (4) 84
tw/sc



**Iowa General Assembly
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House File 141 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 42A. Subtract, to the extent included,
1 4 all pay received by the taxpayer from the federal government
1 5 for military service performed while on active duty status in
1 6 the armed forces, the armed forces military reserve, or the
1 7 national guard.

1 8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 9 retroactively to January 1, 2011, for tax years beginning on
1 10 or after that date.

1 11 EXPLANATION

1 12 This bill exempts from the individual income tax all pay
1 13 received by a taxpayer from the federal government for military
1 14 service performed while on active duty status in the armed
1 15 forces, the armed forces military reserve, or the national
1 16 guard.

1 17 The bill applies retroactively to January 1, 2011, for tax
1 18 years beginning on or after that date.

LSB 1110YH (4) 84

tw/sc



Iowa General Assembly
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House File 142 - Introduced

HOUSE FILE
BY CHAMBERS

A BILL FOR

1 An Act requiring reports relating to disciplinary action
2 taken against a teacher to be submitted to the board of
3 educational examiners.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2134YH (1) 84
kh/sc



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House File 142 - Introduced continued

PAG LIN

1 1 Section 1. Section 272.15, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. The board of directors of a school district or area
1 4 education agency, the superintendent of a school district or
1 5 the chief administrator of an area education agency, and the
1 6 authorities in charge of a nonpublic school shall report to the
1 7 board the nonrenewal or termination, for reasons of alleged
1 8 or actual misconduct, of a person's contract executed under
1 9 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and
1 10 279.24, and the resignation of a person who holds a license,
1 11 certificate, or authorization issued by the board as a result
1 12 of or following an incident or allegation of misconduct that,
1 13 if proven, would constitute a violation of the rules adopted by
1 14 the board to implement section 272.2, subsection 14, paragraph
1 15 "b", subparagraph (1), when the board or reporting official
1 16 has a good faith belief that the incident occurred or the
1 17 allegation is true. ~~Information reported to the board in~~
~~1 18 accordance with this section is privileged and confidential,~~
~~1 19 and except as provided in section 272.13, is not subject~~
~~1 20 to discovery, subpoena, or other means of legal compulsion~~
~~1 21 for its release to a person other than the respondent and~~
~~1 22 the board and its employees and agents involved in licensee~~
~~1 23 discipline, and is not admissible in evidence in a judicial or~~
~~1 24 administrative proceeding other than the proceeding involving~~
~~1 25 licensee discipline.~~ The board shall review the information
1 26 reported to determine whether a complaint should be initiated.
1 27 In making that determination, the board shall consider the
1 28 factors enumerated in section 272.2, subsection 14, paragraph
1 29 "a". For purposes of this section, unless the context otherwise
1 30 requires, "misconduct" means an action disqualifying an
1 31 applicant for a license or causing the license of a person to
1 32 be revoked or suspended in accordance with the rules adopted by
1 33 the board to implement section 272.2, subsection 14, paragraph
1 34 "b", subparagraph (1).
1 35 Sec. 2. Section 272.15, Code 2011, is amended by adding the



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House File 142 - Introduced continued

2 1 following new subsections:

2 2 NEW SUBSECTION. 4. The board of directors of a school
2 3 district or area education agency, the superintendent of a
2 4 school district or the chief administrator of an area education
2 5 agency, and the authorities in charge of an accredited
2 6 nonpublic school shall report to the board any instances of
2 7 disciplinary action taken against a teacher by the board of
2 8 directors of the school district or area education agency, the
2 9 superintendent of the school district or chief administrator
2 10 of the area education agency, or the authorities in charge of
2 11 the nonpublic school. The board shall review the information
2 12 reported to determine whether a complaint should be initiated.

2 13 NEW SUBSECTION. 5. Information reported to the board in
2 14 accordance with this section is privileged and confidential
2 15 and, except as provided in section 272.13, is not subject to
2 16 discovery, subpoena, or other means of legal compulsion for its
2 17 release to a person other than the respondent and the board and
2 18 its employees and agents involved in licensee discipline, and
2 19 is not admissible in evidence in a judicial or administrative
2 20 proceeding other than the proceeding involving licensee
2 21 discipline.

EXPLANATION

2 23 This bill requires the board of directors of a school
2 24 district or an area education agency (AEA), the superintendent
2 25 of a school district or the chief administrator of an AEA, and
2 26 the authorities in charge of an accredited nonpublic school
2 27 to report to the board of educational examiners any instances
2 28 of disciplinary action taken against a teacher by the boards,
2 29 administrators, or authorities. The information reported to
2 30 the board, with few exceptions, is privileged and confidential.
2 31 The bill provides that the board shall review the information
2 32 reported to determine whether a complaint should be initiated.

LSB 2134YH (1) 84

kh/sc



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House File 143 - Introduced

HOUSE FILE
BY J. TAYLOR, DEBOEF,
LUKAN, and HELLAND

A BILL FOR

1 An Act limiting administrator compensation by an area education
2 agency.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2091YH (4) 84
kh/nh



**Iowa General Assembly
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House File 143 - Introduced continued

PAG LIN

1 1 Section 1. Section 273.3, subsection 11, Code 2011, is
1 2 amended to read as follows:
1 3 11. Employ personnel to carry out the functions of the
1 4 area education agency which shall include the employment of an
1 5 administrator who shall possess a license issued under chapter
1 6 272. The administrator shall be employed pursuant to section
1 7 279.20 and sections 279.23, 279.24, and 279.25. The salary for
1 8 an area education agency administrator shall be established by
1 9 the board based upon the previous experience and education of
1 10 the administrator. The maximum salary of the administrator
1 11 shall not exceed one hundred thirty percent of the average of
1 12 the salaries of the superintendents for all school districts
1 13 served by the area education agency. Section 279.13 applies to
1 14 the area education agency board and to all teachers employed by
1 15 the area education agency. Sections 279.23, 279.24, and 279.25
1 16 apply to the area education board and to all administrators
1 17 employed by the area education agency.

1 18 EXPLANATION

1 19 This bill limits the maximum salary of an area education
1 20 agency administrator to not more than 130 percent of the
1 21 average of the salaries of the superintendents for all school
1 22 districts served by the area education agency.

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kh/nh



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House File 144 - Introduced

HOUSE FILE

BY J. TAYLOR, FORRISTALL,
LUKAN, HELLAND,
TJEPKES, RAECKER, and
JORGENSEN

A BILL FOR

1 An Act relating to the minimum hours of instructional school
2 time in a school year for public and accredited nonpublic
3 elementary and secondary schools, and including effective
4 date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1686YH (9) 84

kh/nh



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House File 144 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 19, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 256.7, Code 2011, is amended by adding the
1 4 following new subsection:
1 5 NEW SUBSECTION. 31. Adopt rules that define what
1 6 constitutes instructional time for purposes of the minimum
1 7 hours of instructional time set forth in section 279.10.
1 8 Instructional time shall not include the lunch period, recess,
1 9 time for noninstructional assemblies, late arrival or early
1 10 dismissal times required for emergency health or safety
1 11 factors, weather-related late starts or early releases, or time
1 12 used for professional development.
1 13 Sec. 3. Section 256F.4, subsection 5, Code 2011, is amended
1 14 to read as follows:
1 15 5. A charter school or innovation zone school shall provide
1 16 instruction for at least the number of days hours required by
1 17 section 279.10, ~~subsection 1, or shall provide at least the~~
1 18 ~~equivalent number of total hours.~~
1 19 Sec. 4. Section 279.10, Code 2011, is amended to read as
1 20 follows:
1 21 279.10 School year ==== ~~beginning date~~ ~~exceptions~~ ~~pilot~~
1 22 ~~programs~~ instructional hours ==== exception.
1 23 ~~1. The school year for each school district and accredited~~
1 24 ~~nonpublic school shall begin on the first day of July 1 and~~
1 25 ~~each regularly established elementary and secondary school~~
1 26 ~~shall begin no sooner than a day during the calendar week~~
1 27 ~~in which the first day of September falls but no later than~~
1 28 ~~the first Monday in December. However, if the first day of~~
1 29 ~~September falls on a Sunday, school may begin on a day during~~
1 30 ~~the calendar week which immediately precedes the first day of~~
1 31 ~~September. School shall continue for at least one hundred~~
1 32 ~~eighty days, except as provided in subsection 3, and may be~~
1 33 ~~maintained during the entire calendar year end on June 30.~~
1 34 ~~However, if the board of directors of a district extends the~~
1 35 ~~school calendar because inclement weather caused the district~~



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~~House File 144 - Introduced continued~~

~~2 1 to temporarily close school during the regular school calendar,~~
~~2 2 the The minimum hours of instructional time in a school year~~
~~2 3 for an elementary school shall be nine hundred ninety hours.~~
~~2 4 The minimum hours of instructional time in a school year for~~
~~2 5 a secondary school shall be one thousand eighty hours. A~~
~~2 6 school district may excuse or accredited nonpublic school shall~~
~~2 7 require a graduating senior who has met district or school~~
~~2 8 to meet the same requirements for graduation from attendance~~
~~2 9 during the extended school calendar as those required of any~~
~~2 10 other class of students enrolled at the secondary level in the~~
~~2 11 school district or accredited nonpublic school, except with~~
~~2 12 regard to activities related to graduation as authorized by the~~
~~2 13 school district or accredited nonpublic school. The board of~~
~~2 14 directors of a school district and the authorities in charge of~~
~~2 15 an accredited nonpublic school shall set the number of days of~~
~~2 16 required attendance for the school year as provided in section~~
~~2 17 299.1, subsection 2. A school corporation may begin employment~~
~~2 18 of personnel for in-service training and development purposes~~
~~2 19 before the date to begin elementary and secondary school.~~
~~2 20 2. The board of directors shall hold a public hearing on any~~
~~2 21 proposal prior to submitting it to the department of education~~
~~2 22 for approval.~~
~~2 23 3. The board of directors of a school district may request~~
~~2 24 approval from the department of education for a pilot program~~
~~2 25 for an innovative school year. The number of days per year~~
~~2 26 that school is in session may be more or less than those~~
~~2 27 specified in subsection 1, but the innovative school year shall~~
~~2 28 provide for an equivalent number of total hours that school is~~
~~2 29 in session.~~
~~2 30 a. The board shall file a request for approval with the~~
~~2 31 department not later than November 1 of the preceding school~~
~~2 32 year. The request shall include a listing of the savings and~~
~~2 33 goals to be attained under the innovative school year subject~~
~~2 34 to rules adopted by the department under chapter 17A. The~~
~~2 35 department shall notify the districts of the approval or denial~~



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~~House File 144 - Introduced continued~~

~~3 1 of pilot programs not later than the next following January 15.~~
~~3 2 b. A request to continue an innovative school year pilot~~
~~3 3 project after its initial year also shall include an evaluation~~
~~3 4 of the savings and impacts on the educational program in the~~
~~3 5 district.~~

~~3 6 e. Participation in a pilot project shall not modify~~
~~3 7 provisions of a master contract negotiated between a school~~
~~3 8 district and a certified bargaining unit pursuant to chapter~~
~~3 9 20 unless mutually agreed upon.~~

~~3 10 4. The director of the department of education may~~
~~3 11 grant a request made by a board of directors of a school~~
~~3 12 district stating its desire to commence classes for regularly~~
~~3 13 established elementary and secondary schools prior to the~~
~~3 14 earliest starting date specified in subsection 1. A request~~
~~3 15 shall be based upon the determination that a starting date on~~
~~3 16 or after the earliest starting date specified in subsection 1~~
~~3 17 would have a significant negative educational impact.~~

~~3 18 Sec. 5. Section 299.4, subsection 1, Code 2011, is amended~~
~~3 19 to read as follows:~~

~~3 20 1. The parent, guardian, or legal custodian of a child who~~
~~3 21 is of compulsory attendance age, who places the child under~~
~~3 22 competent private instruction under either section 299A.2 or~~
~~3 23 299A.3, not in an accredited school or a home school assistance~~
~~3 24 program operated by a school district or accredited nonpublic~~
~~3 25 school, shall furnish a report in duplicate on forms provided~~
~~3 26 by the public school district, to the district by the earliest~~
~~3 27 starting date specified in section 279.10, subsection 1 July 1~~
~~3 28 of the school year in which the child will be under competent~~
~~3 29 private instruction. The secretary shall retain and file~~
~~3 30 one copy and forward the other copy to the district's area~~
~~3 31 education agency. The report shall state the name and age of~~
~~3 32 the child, the period of time during which the child has been~~
~~3 33 or will be under competent private instruction for the year,~~
~~3 34 an outline of the course of study, texts used, and the name~~
~~3 35 and address of the instructor. The parent, guardian, or legal~~



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4 1 custodian of a child, who is placing the child under competent
4 2 private instruction for the first time, shall also provide the
4 3 district with evidence that the child has had the immunizations
4 4 required under section 139A.8, and, if the child is elementary
4 5 school age, a blood lead test in accordance with section
4 6 135.105D. The term "outline of course of study" shall include
4 7 subjects covered, lesson plans, and time spent on the areas of
4 8 study.

4 9 Sec. 6. REPEAL. Sections 256.20 and 256.22, Code 2011, are
4 10 repealed.

4 11 Sec. 7. REPEAL. Section 257.17, Code 2011, is repealed.

4 12 Sec. 8. EFFECTIVE DATE. This Act takes effect July 1, 2012.

4 13 EXPLANATION

4 14 This bill replaces the current 180=day school calendar,
4 15 which converts to a required 990 hours of instructional school
4 16 time at 5.5 hours per day, with a requirement that the school
4 17 calendar include 990 hours of instructional time for elementary
4 18 schools and 1,080 hours of instructional time for secondary
4 19 schools. The bill authorizes school districts and accredited
4 20 nonpublic schools to set the number of days their schools will
4 21 be in session.

4 22 The bill strikes a Code provision directing the state board
4 23 of education to define the minimum school day and allowing the
4 24 minimum hours to include early dismissals or late arrivals
4 25 for inclement weather or emergency health factors and staff
4 26 development. However, the bill adds a new requirement that
4 27 the state board define what constitutes instructional time,
4 28 which the bill states cannot include the lunch period, recess,
4 29 assembly time, late arrival or early dismissal times, or
4 30 professional development time.

4 31 The bill eliminates a provision that authorizes a school
4 32 district to excuse a graduating senior from attendance on days
4 33 added to the school calendar to make up for days lost due to
4 34 inclement weather. The bill requires that graduating seniors
4 35 meet the same attendance requirements as those required of any



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- 5 1 other class of students at the secondary level, except with
5 2 regard to graduation activities.
5 3 The bill also includes technical changes and repeals
5 4 obsolete provisions relating to innovative school year pilots,
5 5 school start date waivers and penalties, year around school
5 6 pilot projects, and an extended year school grant program.
5 7 The bill takes effect July 1, 2012.

LSB 1686YH (9) 84

kh/nh



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House File 145 - Introduced

HOUSE FILE
BY HANSON

A BILL FOR

1 An Act prohibiting certain trapping with conibear traps and
2 snares near the entry to a private drive of a residence
3 without permission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1603YH (2) 84
av/nh



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1 1 Section 1. Section 481A.92, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. Conibear type traps and snares shall not be set on the
1 4 right-of-way of a public road within ~~two~~ four hundred forty
1 5 yards of the entry to a private drive serving a residence
1 6 without the permission of the occupant.

1 7 EXPLANATION

1 8 This bill prohibits setting a conibear type trap or snare on
1 9 the right-of-way of a public road within 440 yards of the entry
1 10 to a private drive serving a residence without the permission
1 11 of the occupant. Currently, such a trap cannot be set within
1 12 200 yards of the entry to a private drive of a residence
1 13 without permission.

LSB 1603YH (2) 84

av/nh



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House File 146 - Introduced

HOUSE FILE

BY HANSON, THOMAS,
STECKMAN, ABDUL-SAMAD,
KRESSIG, WITTNEBEN,
HUNTER, KEARNS,
MASCHER, LENSING,
WINCKLER, GASKILL,
MUHLBAUER, and WENTHE

A BILL FOR

1 An Act relating to the registration of hunting outfitters or
2 hunting guides and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1601HH (9) 84
av/nh



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1 1 Section 1. NEW SECTION. 483A.29 Registration of hunting
1 2 outfitters or hunting guides ==== penalty.
1 3 1. A person shall not engage in or be employed for any
1 4 compensation in the business of a hunting outfitter or a
1 5 hunting guide in this state unless the person is registered as
1 6 a hunting outfitter or a hunting guide with the department.
1 7 The commission shall define, by rule, the activities that
1 8 constitute hunting outfitter activities or hunting guide
1 9 activities for the purposes of this section.
1 10 a. The rules shall require an applicant for registration
1 11 to identify all parcels of land or waters which are under the
1 12 lawful control of the applicant, and identify the location and
1 13 acreage of any land or waters to be hunted, and the equipment
1 14 and services to be provided by the outfitter or the guide.
1 15 b. An applicant shall not be registered as a hunting
1 16 outfitter or guide pursuant to this section if the person
1 17 is or has been subject to the cancellation, suspension, or
1 18 revocation of a license pursuant to section 481A.134 for a
1 19 violation of chapter 481A, 481B, 482, 483A, 484A, or 484B, or
1 20 for the commission of trespass as defined in section 716.7
1 21 while hunting deer, or has pled guilty or been convicted of a
1 22 violation of chapter 481A, 481B, 482, 483A, 484A, or 484B, or
1 23 of the violation of trespass as defined in section 716.7 while
1 24 hunting deer, in violation of section 481A.135.
1 25 2. A hunting outfitter or hunting guide registered pursuant
1 26 to this section shall verify with the department, as provided
1 27 by rule, that any person to whom hunting outfitter or guide
1 28 services are provided, is properly licensed to hunt in this
1 29 state for the species sought by that person.
1 30 3. The commission shall establish, by rule, a conduct board
1 31 consisting of hunting outfitters and hunting guides selected
1 32 by the department, to establish standards of ethical and
1 33 professional conduct concerning hunting outfitters and hunting
1 34 guides and to review complaints and make recommendations to
1 35 the department for the revocation of registrations of hunting



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2 1 outfitters and hunting guides who are in violation of this
2 2 section or the rules adopted pursuant to this section.
2 3 4. The commission shall establish, by rule, the annual fee
2 4 for a hunting outfitter or hunting guide registration. In
2 5 determining an annual fee, the commission shall consider the
2 6 costs of providing for the registration and administering and
2 7 enforcing this section.

2 8 5. This section does not apply to the activities of a
2 9 hunting outfitter or hunting guide that are conducted on a
2 10 hunting preserve pursuant to chapter 484B or 484C.

2 11 6. A person who violates this section or the rules adopted
2 12 pursuant to this section is guilty of a serious misdemeanor.

2 13 EXPLANATION

2 14 This bill provides for the registration of persons engaged
2 15 in the business of a hunting outfitter or hunting guide.
2 16 The natural resource commission is directed to define what
2 17 activities constitute hunting outfitter activities or hunting
2 18 guide activities and register hunting outfitters or hunting
2 19 guides upon application and payment of an annual fee determined
2 20 by rule of the commission. An applicant shall identify all
2 21 parcels of land or waters which are under the lawful control
2 22 of the applicant, and identify the location and acreage of any
2 23 land or waters to be hunted, and the equipment and services to
2 24 be provided by the outfitter or the hunting guide.

2 25 An applicant shall not be registered as a hunting outfitter
2 26 or guide if the person is or has been subject to cancellation,
2 27 suspension, or revocation of a license issued by the department
2 28 of natural resources or has pled guilty or been convicted of
2 29 such license violations or the commission of trespass while
2 30 hunting deer.

2 31 A registered hunting outfitter or guide is required to
2 32 verify with the department of natural resources, as provided
2 33 by rule, that any person to whom hunting outfitter or guide
2 34 services are provided is properly licensed to hunt in this
2 35 state for the species sought by that person.



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3 1 The bill also requires the commission to establish, by rule,
3 2 a conduct board consisting of hunting outfitters and hunting
3 3 guides to establish standards of ethics and conduct, to review
3 4 complaints, and to make recommendations concerning revocations
3 5 of registrations of hunting outfitters and hunting guides.
3 6 The bill does not apply to activities that are conducted on a
3 7 hunting preserve.
3 8 A violator is guilty of a serious misdemeanor. A serious
3 9 misdemeanor is punishable by confinement for no more than one
3 10 year and a fine of at least \$315 but not more than \$1,875.

LSB 1601HH (9) 84

av/nh



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House File 147 - Introduced

HOUSE FILE

BY ISENHART, KEARNS,
WITTNEBEN,
RUNNING-MARQUARDT,
HANSON, GAINES,
WESSEL-KROESCHELL, M.
SMITH, MASCHER,
STECKMAN, ABDUL-SAMAD,
HEDDENS, and GASKILL

A BILL FOR

1 An Act relating to the use of bisphenol A in certain products
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1308YH (4) 84
tm/nh



Iowa General Assembly
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House File 147 - Introduced continued

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1 1 Section 1. NEW SECTION. 135.181 Bisphenol A prohibition.
1 2 1. As used in this section, unless the context otherwise
1 3 requires:
1 4 a. "Baby food" means a commercially available prepared solid
1 5 food consisting of a soft paste or an easily chewed food that
1 6 is intended for consumption by children two years of age or
1 7 younger.
1 8 b. "Infant formula" means commercially available milk-based
1 9 or soy-based powder, concentrated liquid, or ready-to-feed
1 10 substitute for human breast milk that is intended for infant
1 11 consumption.
1 12 c. "Reusable food or beverage container" means a receptacle
1 13 for storing food or beverages, including baby bottles,
1 14 spill-proof cups, sports bottles, and thermoses. "Reusable
1 15 food or beverage container" does not include food or beverage
1 16 containers intended for disposal after initial usage.
1 17 2. Beginning January 1, 2012, a person shall not
1 18 manufacture, sell, or distribute in commerce in this state any
1 19 reusable food or beverage container containing bisphenol A.
1 20 3. Beginning January 1, 2012, a person shall not
1 21 manufacture, sell, or distribute in commerce in this state any
1 22 infant formula or baby food stored in a plastic container, can,
1 23 or jar containing bisphenol A.
1 24 4. A manufacturer shall use the least toxic alternative when
1 25 replacing bisphenol A in accordance with this section.
1 26 5. In complying with this section, a manufacturer shall
1 27 not replace bisphenol A with a substance rated by the United
1 28 States environmental protection agency as a class A, B, or
1 29 C carcinogen or a substance listed on the agency's list of
1 30 chemicals evaluated for carcinogenic potential as known or
1 31 likely carcinogens, known to be human carcinogens, likely to be
1 32 human carcinogens, or suggestive of being carcinogens.
1 33 6. In complying with this section, a manufacturer shall not
1 34 replace bisphenol A with a reproductive toxicant that has been
1 35 identified by the United States environmental protection agency



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House File 147 - Introduced continued

2 1 as causing birth defects, reproductive harm, or developmental
2 2 harm.
2 3 7. A person who violates this section is subject to a civil
2 4 penalty of one thousand dollars for each violation.

2 5 EXPLANATION

2 6 This bill relates to the use of bisphenol A in certain
2 7 products.

2 8 The bill, beginning January 1, 2012, prohibits the
2 9 manufacture, sale, or distribution of any reusable food
2 10 or beverage container containing bisphenol A. The bill,
2 11 beginning January 1, 2012, prohibits the manufacture, sale,
2 12 or distribution of any infant formula or baby food stored in
2 13 a plastic container, can, or jar containing bisphenol A. The
2 14 bill requires manufacturers to use the least toxic alternative
2 15 when replacing bisphenol A in a product and prohibits the
2 16 use of certain substances as replacements for bisphenol A in
2 17 products. The bill provides that a person who violates the
2 18 provisions of the bill is subject to a civil penalty of \$1,000
2 19 for each violation.

LSB 1308YH (4) 84

tm/nh



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House Resolution 6 - Introduced

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HOUSE RESOLUTION NO.

BY KAUFMANN, GASKILL, WENTHE, MUHLBAUER, WITTNEBEN,
HEDDENS, DRAKE, SODERBERG, BALTIMORE, and FRY

1 1 A Resolution requesting modifications to a national
1 2 broadband plan for the benefit of rural residents of
1 3 this state.

1 4 WHEREAS, residents of this state living in rural
1 5 areas deserve and expect the same high=quality,
1 6 affordable communications services that are available
1 7 to their urban neighbors; and

1 8 WHEREAS, similar to businesses in urban areas, rural
1 9 businesses, farmers, and ranchers compete in the global
1 10 marketplace and depend on affordable access to robust
1 11 broadband services to market and sell their products
1 12 around the world; and

1 13 WHEREAS, children living in rural areas should
1 14 have the same educational opportunities as their
1 15 urban counterparts and high=speed internet access
1 16 is absolutely necessary to allow these students
1 17 opportunities for advanced learning through distance
1 18 education; and

1 19 WHEREAS, residents living in rural areas face unique
1 20 health care challenges because of the distances that
1 21 must be traveled to seek basic and advanced medical
1 22 care, and telemedicine delivered via broadband networks
1 23 can improve the health of rural residents by reducing
1 24 the time and travel needed for high=quality health
1 25 care; and

1 26 WHEREAS, many rural areas encounter significant
1 27 challenges in pursuing and sustaining economic



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House Resolution 6 - Introduced continued

2 1 development plans that bring quality higher paying
2 2 jobs to their communities, and insufficiently robust
2 3 broadband speeds will further hamper the economic
2 4 development needs of many rural communities; and
2 5 WHEREAS, the United States Department of Agriculture
2 6 has rightfully placed significant importance on the
2 7 need for broadband access in rural America to improve
2 8 quality=of=life and economic development; and
2 9 WHEREAS, communications providers that serve this
2 10 state's rural areas have worked diligently to ensure
2 11 that their consumers have access to affordable and
2 12 reliable broadband services and have utilized the
2 13 United States Department of Agriculture's Rural
2 14 Utilities Service loan and grant programs for economic
2 15 development; and
2 16 WHEREAS, contrary to the progress rural
2 17 communications providers have had in deploying
2 18 broadband, the Federal Communications Commission
2 19 is embarking on a National Broadband Plan that will
2 20 negatively impact the ability of residents living in
2 21 rural areas in this state to realize the true benefits
2 22 of access to robust broadband speeds by limiting
2 23 support to four megabits per second in rural, high=cost
2 24 areas of the country, while calling for one hundred
2 25 million urban homes to have access to broadband speeds
2 26 at one hundred megabits per second by 2020; and
2 27 WHEREAS, the National Broadband Plan runs counter
2 28 to the federal universal service policy which ensures
2 29 access to communications services at comparable rates
2 30 regardless of the consumer's location; NOW THEREFORE,



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House Resolution 6 - Introduced continued

3 1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
3 2 the House of Representatives challenges the Federal
3 3 Communications Commission to make substantive changes
3 4 to the National Broadband Plan so that the plan does
3 5 not limit the future economic livelihood and social
3 6 wellbeing of rural consumers; and
3 7 BE IT FURTHER RESOLVED, That the House of
3 8 Representatives encourages the members of Iowa's
3 9 congressional delegation to work with the Federal
3 10 Communications Commission to ensure that commissioners
3 11 understand the importance of robust broadband
3 12 deployment to rural Iowa and how the current draft of
3 13 the National Broadband Plan needs to be dramatically
3 14 altered to ensure quality broadband service
3 15 availability throughout this state.

LSB 1916YH (3) 84
rn/nh



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House Resolution 7 - Introduced

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HOUSE RESOLUTION NO.

BY COMMITTEE ON ETHICS

1 1 A Resolution relating to the House code of ethics.
1 2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 3 the House Code of Ethics shall be as follows:
1 4 HOUSE CODE OF ETHICS
1 5 PREAMBLE. Every legislator and legislative employee
1 6 has a duty to uphold the integrity and honor of the
1 7 general assembly, to encourage respect for the law and
1 8 for the general assembly, and to observe the house code
1 9 of ethics. The members and employees of the house
1 10 have a responsibility to conduct themselves so as to
1 11 reflect credit on the general assembly, and to inspire
1 12 the confidence, respect, and trust of the public. The
1 13 following rules are adopted pursuant to chapter 68B of
1 14 the Code, to assist the members and employees in the
1 15 conduct of their activities:
1 16 1. DEFINITIONS. The definitions of terms provided
1 17 in chapter 68B of the Code apply to the use of those
1 18 terms in these rules.
1 19 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
1 20 HOUSE.
1 21 a. Economic or investment opportunity. A member
1 22 or employee of the house shall not solicit or accept
1 23 economic or investment opportunity under circumstances
1 24 where the member or employee knows, or should know,
1 25 that the opportunity is being afforded with the intent
1 26 to influence the member's or employee's conduct in
1 27 the performance of official duties. If a member



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2 1 or employee of the house learns that an economic
2 2 or investment opportunity previously accepted was
2 3 offered with the intent of influencing the member's or
2 4 employee's conduct in the performance of the official
2 5 duties, the member or employee shall take steps to
2 6 divest that member or employee of that investment or
2 7 economic opportunity, and shall report the matter
2 8 in writing to the chairperson of the house ethics
2 9 committee.

2 10 b. Excessive charges for services, goods, or
2 11 property interests. A member or employee of the
2 12 house shall not charge to or accept from a person
2 13 known to have a legislative interest, a price, fee,
2 14 compensation, or other consideration for the sale or
2 15 lease of any property or the furnishing of services
2 16 which is in excess of that which the member or employee
2 17 would ordinarily charge another person.

2 18 c. Use of confidential information. A member or
2 19 employee of the house, in order to further the member's
2 20 or employee's own economic interests, or those of any
2 21 other person, shall not disclose or use confidential
2 22 information acquired in the course of the member's or
2 23 employee's official duties. For the purpose of this
2 24 rule, information disclosed in open session at a public
2 25 meeting and information that is a public record is not
2 26 confidential information.

2 27 d. Employment. A member or employee of the
2 28 house shall not accept employment, either directly
2 29 or indirectly, from a political action committee. A
2 30 member of the house shall not act as a paid lobbyist



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3 1 for any organization. However, this paragraph shall
3 2 not prohibit a member or employee of the house from
3 3 working for a candidate's committee, a political
3 4 party's action committee, or a political action
3 5 committee which does not expressly advocate the
3 6 nomination, election, or defeat of a candidate for
3 7 public office in this state or expressly advocate the
3 8 passage or defeat of a ballot issue in this state and
3 9 which is not interested in issues before the general
3 10 assembly.

3 11 For the purpose of this rule, a political action
3 12 committee means a committee, but not a candidate's
3 13 committee, which accepts contributions, makes
3 14 expenditures, or incurs indebtedness in the aggregate
3 15 of more than seven hundred fifty dollars in any one
3 16 calendar year to expressly advocate the nomination,
3 17 election, or defeat of a candidate for public office or
3 18 to expressly advocate the passage or defeat of a ballot
3 19 issue or for the purpose of influencing legislative
3 20 action.

3 21 e. A member or employee of the house shall not
3 22 solicit employment on behalf of the member or employee,
3 23 or on behalf of another legislator or employee, as a
3 24 lobbyist while the general assembly is in session.

3 25 f. Certain goods or services. A member or employee
3 26 of the house shall not solicit or obtain goods or
3 27 services from another person under circumstances where
3 28 the member or employee knows or should know that the
3 29 goods or services are being offered or sold with the
3 30 intent to influence the member's or employee's conduct



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4 1 in the performance of official duties. If a member or
4 2 employee of the house is afforded goods or services
4 3 by another person at a price that is not available to
4 4 other members or classes of members of the general
4 5 public or is afforded goods or services that are
4 6 not available to other members or classes of members
4 7 of the general public by another person where the
4 8 member or employee knows or should know that the other
4 9 person intends to influence the member's or employee's
4 10 official conduct, the member or employee shall not take
4 11 or purchase the goods or services.

4 12 3. APPEARANCE BEFORE STATE AGENCY. A member or
4 13 employee of the house may appear before a state agency
4 14 in any representation case but shall not act as a
4 15 lobbyist with respect to the passage, defeat, approval,
4 16 veto, or modification of any legislation, rule, or
4 17 executive order. Whenever a member or employee of
4 18 the house appears before a state agency, the member
4 19 or employee shall carefully avoid all conduct which
4 20 might in any way lead members of the general public
4 21 to conclude that the member or employee is using the
4 22 member's or employee's official position to further the
4 23 member's or employee's professional success or personal
4 24 financial interest.

4 25 4. CONFLICTS OF INTEREST. In order for the general
4 26 assembly to function effectively, members of the house
4 27 may be required to vote on bills and participate in
4 28 committee work which will affect their employment and
4 29 other areas in which they may have a monetary interest.
4 30 Action on bills and committee work which furthers a



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5 1 member's specific employment, specific investment, or
5 2 other specific interest, as opposed to the interests of
5 3 the public in general or the interests of a profession,
5 4 trade, business, or other class of persons, shall be
5 5 avoided. In making a decision relative to a member's
5 6 activity on particular bills or in committee work, the
5 7 following factors should be considered:
5 8 a. Whether a substantial threat to the member's
5 9 independence of judgment has been created by the
5 10 conflict situation.
5 11 b. The effect of the member's participation on
5 12 public confidence in the integrity of the general
5 13 assembly.
5 14 c. Whether the member's participation is likely to
5 15 have any significant effect on the disposition of the
5 16 matter.
5 17 d. The need for the member's particular
5 18 contribution, such as special knowledge of the subject
5 19 matter, to the effective functioning of the general
5 20 assembly.
5 21 If a member decides not to participate in committee
5 22 work or to abstain from voting because of a possible
5 23 conflict of interest, the member should disclose
5 24 this fact to the legislative body. The member shall
5 25 not vote on any question in which the member has an
5 26 economic interest that is distinguishable from the
5 27 interests of the general public or a substantial class
5 28 of persons.
5 29 5. STATUTORY REQUIREMENTS. Members and employees
5 30 of the house shall comply with the requirements



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6 1 contained in chapters 68B (~~Conflicts of Interest of~~
6 2 ~~Public Officers and Employees~~ Government Ethics and
6 3 Lobbying), 721 (Official Misconduct), and 722 (Bribery
6 4 and Corruption), and sections 2.18 (Contempt) and 711.4
6 5 (Extortion) of the Code.

6 6 6. CHARGE ACCOUNTS. Members and employees of the
6 7 house shall not charge any amount or item to a charge
6 8 account to be paid for by a lobbyist or any client of
6 9 a lobbyist.

6 10 7. TRAVEL EXPENSES. A member or employee of the
6 11 house shall not charge to the state of Iowa amounts
6 12 for travel and expenses unless the member or employee
6 13 actually has incurred those mileage and expense costs.
6 14 Members or employees shall not file the vouchers for
6 15 weekly mileage reimbursement required by section 2.10,
6 16 subsection 1 of the Code, unless the travel expense was
6 17 actually incurred.

6 18 A member or employee of the house shall not file
6 19 a claim for per diem compensation for a meeting of
6 20 an interim study committee or a visitation committee
6 21 unless the member or employee attended the meeting.
6 22 However, the speaker may waive this provision and allow
6 23 a claim to be filed if the member or employee attempted
6 24 to attend the meeting but was unable to do so because
6 25 of circumstances beyond the member's or employee's
6 26 control.

6 27 8. GIFTS ACCEPTED OR RECEIVED. Members and
6 28 employees of the house shall comply with the
6 29 restrictions relating to the receipt or acceptance of
6 30 gifts contained in section 68B.22 of the Code.



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- 7 1 9. HONORARIA RESTRICTIONS. Members and employees
7 2 of the house shall comply with the restrictions
7 3 relating to the receipt of honoraria contained in
7 4 section 68B.23 of the Code.
- 7 5 10. DISCLOSURE REQUIRED. Each member of the
7 6 house and the chief clerk of the house shall file the
7 7 personal financial disclosure statements required under
7 8 section 68B.35 of the Code by February 15 of each year
7 9 for the prior calendar year.
- 7 10 11. SEXUAL HARASSMENT. Members and employees of
7 11 the house shall not engage in conduct which constitutes
7 12 sexual harassment as defined in section 19B.12 of
7 13 the Code or pursuant to the sexual harassment policy
7 14 adopted by the house committee on administration and
7 15 rules.
- 7 16 12. COMPLAINTS.
- 7 17 a. Filing of complaint. Complaints may be filed by
7 18 any person believing that a member or employee of the
7 19 house, a lobbyist, or a client of a lobbyist is guilty
7 20 of a violation of the house code of ethics, the house
7 21 rules governing lobbyists, or chapter 68B of the Code.
- 7 22 b. Complaints by committee. The ethics committee
7 23 may initiate a complaint on its own motion. Committee
7 24 complaints may be initiated by the committee as a
7 25 result of a committee investigation or as a result of
7 26 receipt of any complaint or other information that does
7 27 not meet the requirements of these rules regarding the
7 28 form of a complaint but that contains allegations that
7 29 would form the basis for a valid complaint.
- 7 30 c. Form and contents of complaint. A complaint



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8 1 shall be in writing.

8 2 Complaint forms shall be available from the chief
8 3 clerk of the house, but a complaint shall not be
8 4 rejected for failure to use the approved form if it
8 5 complies with the requirements of these rules. The
8 6 complaint shall contain a certification made by the
8 7 complainant, under penalty of perjury, that the facts
8 8 stated in the complaint are true to the best of the
8 9 complainant's knowledge.

8 10 To be valid, a complaint shall allege all of the
8 11 following:

8 12 (1) Facts, that if true, establish a violation of a
8 13 provision of chapter 68B of the Code, the house code of
8 14 ethics, or house rules governing lobbyists for which
8 15 penalties or other remedies are provided.

8 16 (2) That the conduct providing the basis for the
8 17 complaint occurred within three years of the filing of
8 18 the complaint.

8 19 (3) That the party charged with a violation is
8 20 a party subject to the jurisdiction of the ethics
8 21 committee.

8 22 d. Confidentiality of complaint. ~~The filing of the~~
~~8 23 complaint~~ identity of the parties and the contents of
8 24 the complaint shall be confidential until the time that
8 25 the committee meets to determine whether the complaint
8 26 is valid, unless either the complainant or the party
8 27 charged in the complaint makes the ~~existence~~ identity
8 28 of the parties, or the information contained in, the
8 29 complaint public. However, if either the complainant
8 30 or party alleged to have committed the violation



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9 1 requests that the meeting to determine whether the
9 2 complaint is valid be a closed meeting and the ~~filing~~
~~9 3~~ identity of the complaint parties or the contents of
9 4 the complaint have not been disclosed, the meeting
9 5 shall be closed.
9 6 e. Notice of complaint. Upon receipt of the
9 7 complaint, the chief clerk of the house shall promptly
9 8 notify the chairperson and ranking member of the
9 9 ethics committee that a complaint has been filed and
9 10 provide both the chairperson and the ranking member
9 11 with copies of the complaint and any supporting
9 12 information. Within two working days, the chief clerk
9 13 shall send notice, either by personal delivery or by
9 14 certified mail, return receipt requested, to the person
9 15 or persons alleged to have committed the violation,
9 16 along with a copy of the complaint and any supporting
9 17 information. The notice to the accused person shall
9 18 contain a request that the person submit a written
9 19 response to the complaint within ten working days of
9 20 the date that the notice was sent by the chief clerk.
9 21 At the request of the accused person, the committee may
9 22 extend the time for the response, not to exceed ten
9 23 additional calendar days.
9 24 f. Hearing regarding validity of complaint. The
9 25 committee chairperson and the ranking member shall
9 26 review the complaint and supporting information to
9 27 determine whether the complaint meets the requirements
9 28 as to form. If the complaint is deficient as to form,
9 29 the complaint shall be returned to the complainant
9 30 with instructions indicating the deficiency unless the



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10 1 committee decides to proceed on its own motion. If the
10 2 complaint is in writing and contains the appropriate
10 3 certification, as soon as practicable, the chairperson
10 4 shall call a meeting of the committee to review the
10 5 complaint to determine whether the complaint meets the
10 6 requirements for validity and whether the committee
10 7 should take action on the complaint pursuant to
10 8 paragraph "g" or whether the committee should request
10 9 that the chief justice of the supreme court appoint an
10 10 independent special counsel to conduct an investigation
10 11 to determine whether probable cause exists to believe
10 12 that a violation of the house code of ethics, house
10 13 rules governing lobbyists, or chapter 68B of the Code,
10 14 has occurred.

10 15 If the committee finds that a complaint does not
10 16 meet the content requirements for a valid complaint,
10 17 the committee shall dismiss the complaint and notify
10 18 both the complainant and the party alleged to have
10 19 committed the violation of the dismissal and the
10 20 reasons for dismissal. A dismissal for failure to meet
10 21 the formal requirements for the filing of a complaint
10 22 shall be without prejudice and the complainant may
10 23 refile the complaint at any time within three years of
10 24 the date that the alleged violation took place. If
10 25 the dismissal is based upon a failure to allege facts
10 26 and circumstances necessary for a valid complaint, the
10 27 dismissal shall be with prejudice and the party shall
10 28 not be permitted to file a complaint based upon the
10 29 same facts and circumstances.

10 30 g. If the committee determines a complaint is



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11 1 valid and determines no dispute exists between the
11 2 parties regarding the material facts that establish
11 3 a violation, the committee may take action on the
11 4 complaint under this paragraph without requesting the
11 5 appointment of an independent special counsel.
11 6 The committee may do any of the following:
11 7 (1) Issue an admonishment to advise against the
11 8 conduct that formed the basis for the complaint and to
11 9 exercise care in the future.
11 10 (2) Issue an order to cease and desist the conduct
11 11 that formed the basis for the complaint.
11 12 (3) Make a recommendation to the house that
11 13 the person subject to the complaint be censured or
11 14 reprimanded.
11 15 h. Request for appointment of independent special
11 16 counsel. If, after review of the complaint and any
11 17 response made by the party alleged to have committed
11 18 the violation, the committee determines that the
11 19 complaint meets the requirements for form and content
11 20 and the committee has not taken action under paragraph
11 21 "g", the committee shall request that the chief justice
11 22 of the supreme court appoint independent special
11 23 counsel to investigate the matter and determine whether
11 24 probable cause exists to believe that a violation of
11 25 chapter 68B of the Code, the house code of ethics, or
11 26 the house rules governing lobbyists has occurred.
11 27 i. Receipt of report of independent special
11 28 counsel. The report from the independent special
11 29 counsel regarding probable cause to proceed on a
11 30 complaint shall be filed with the chief clerk of the



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12 1 house. Upon receipt of the report of the independent
12 2 special counsel, the chief clerk shall notify the
12 3 chairperson of the filing of the report and shall send
12 4 copies of the report to the members of the ethics
12 5 committee. As soon as practicable after the filing of
12 6 the report, the chairperson shall schedule a public
12 7 meeting for review of the report. The purpose of
12 8 the public meeting shall be to determine whether the
12 9 complaint should be dismissed, whether a formal hearing
12 10 should be held on the complaint, or whether other
12 11 committee action is appropriate. The complainant and
12 12 the person alleged to have committed the violation
12 13 shall be given notice of the public meeting, shall have
12 14 the right to be present at the public meeting, and may,
12 15 at the discretion of the committee, present testimony
12 16 in support of or against the recommendations contained
12 17 in the report.
12 18 If the committee determines that the matter should
12 19 be dismissed, the committee shall cause an order to
12 20 be entered dismissing the matter and notice of the
12 21 dismissal shall be given to the complainant and the
12 22 party alleged to have committed the violation. If
12 23 the committee determines that the complaint should be
12 24 scheduled for formal hearing, the committee shall issue
12 25 a charging statement which contains the charges and
12 26 supporting facts that are to be set for formal hearing
12 27 and notice shall be sent to the complainant and the
12 28 accused person.
12 29 The notice shall include a statement of the nature
12 30 of the charge or charges, a statement of the time and



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13 1 place of hearing, a short and plain statement of the
13 2 facts asserted, and a statement of the rights of the
13 3 accused person at the hearing.
13 4 j. Formal hearing. Formal hearings shall be public
13 5 and conducted in the manner provided in section 68B.31,
13 6 subsection 8 of the Code. At a formal hearing the
13 7 accused shall have the right to be present and to
13 8 be heard in person and by counsel, to cross-examine
13 9 witnesses, and to present evidence. Members of
13 10 the committee shall also have the right to question
13 11 witnesses.
13 12 The committee may require, by subpoena or otherwise,
13 13 the attendance and testimony of witnesses and the
13 14 production of such books, records, correspondence,
13 15 memoranda, papers, documents, and any other things it
13 16 deems necessary to the conduct of the inquiry.
13 17 Evidence at the formal hearing shall be received
13 18 in accordance with rules and procedures applicable to
13 19 contested cases under chapter 17A of the Code.
13 20 The committee chairperson, or the vice chairperson
13 21 or ranking member in the absence of the chairperson,
13 22 shall preside at the formal hearing and shall rule on
13 23 the admissibility of any evidence received. The ruling
13 24 of the chairperson may be overturned by a majority
13 25 vote of the committee. Independent special counsel
13 26 shall present the evidence in support of the charge
13 27 or charges. The burden shall be on the independent
13 28 special counsel to prove the charge or charges by
13 29 a preponderance of clear and convincing evidence.
13 30 Upon completion of the formal hearing, the committee



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14 1 shall adopt written findings of fact and conclusions
14 2 concerning the merits of the charges and make its
14 3 report and recommendation to the house.
14 4 k. Disqualification of member. Members of the
14 5 committee may disqualify themselves from participating
14 6 in any investigation of the conduct of another person
14 7 upon submission of a written statement that the member
14 8 cannot render an impartial and unbiased decision
14 9 in a case. A member may also be disqualified by a
14 10 unanimous vote of the remaining eligible members of the
14 11 committee.
14 12 A member of the committee is ineligible to
14 13 participate in committee meetings, as a member of the
14 14 committee, in any proceeding relating to the member's
14 15 own official conduct.
14 16 If a member of the committee is disqualified or
14 17 ineligible to act, the majority or minority leader who
14 18 appointed the member shall appoint a replacement member
14 19 to serve as a member of the committee during the period
14 20 of disqualification or ineligibility.
14 21 ~~✶~~ 1. Recommendations by the committee. The
14 22 committee shall recommend to the house that the
14 23 complaint be dismissed, or that one or more of the
14 24 following be imposed:
14 25 (1) That the member or employee of the house
14 26 or lobbyist or client of a lobbyist be censured or
14 27 reprimanded, and the recommended appropriate form of
14 28 censure or reprimand be used.
14 29 (2) That the member of the house be suspended or
14 30 expelled from membership in the house and required



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15 1 to forfeit the member's salary for that period, the
15 2 employee of the house be suspended or dismissed from
15 3 employment, or that the lobbyist's or lobbyist's
15 4 client's lobbying privileges be suspended.
15 5 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
15 6 complaint has been filed or an investigation has been
15 7 initiated, a party to the complaint or investigation
15 8 shall not communicate, or cause another to communicate,
15 9 as to the merits of the complaint or investigation with
15 10 a member of the committee, except under the following
15 11 circumstances:
15 12 a. During the course of any meetings or other
15 13 official proceedings of the committee regarding the
15 14 complaint or investigation.
15 15 b. In writing, if a copy of the writing is
15 16 delivered to the adverse party or the designated
15 17 representative for the adverse party.
15 18 c. Orally, if adequate prior notice of the
15 19 communication is given to the adverse party or the
15 20 designated representative for the adverse party.
15 21 d. As otherwise authorized by statute, the house
15 22 code of ethics, house rules governing lobbyists, or
15 23 vote of the committee.
15 24 14. PERMANENT RECORD. The chief clerk of the house
15 25 shall maintain a permanent record of all complaints
15 26 filed and any corresponding committee action. The
15 27 permanent record shall be prepared by the ethics
15 28 committee and shall contain the date the complaint was
15 29 filed, name and address of the complainant, name and
15 30 address of the accused person, a brief statement of the



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16 1 charges made, any evidence received by the committee,
16 2 any transcripts or recordings of committee action, and
16 3 ultimate disposition of the complaint. The chief clerk
16 4 shall keep each complaint confidential until public
16 5 disclosure is made by the ethics committee.
16 6 15. MEETING AUTHORIZATION. The house ethics
16 7 committee is authorized to meet at the discretion of
16 8 the committee chairperson in order to conduct hearings
16 9 and other business that properly may come before it.
16 10 If the committee submits a report seeking house action
16 11 against a member or employee of the house or lobbyist
16 12 after the second regular session of a general assembly
16 13 has adjourned sine die, the report shall be submitted
16 14 to and considered by the subsequent general assembly.
16 15 16. ADVISORY OPINIONS.
16 16 a. Requests for formal opinions. A request for a
16 17 formal advisory opinion may be filed by any person who
16 18 is subject to the authority of the ethics committee.
16 19 The ethics committee may also issue a formal advisory
16 20 opinion on its own motion, without having previously
16 21 received a formal request for an opinion, on any issue
16 22 that is within the jurisdiction of the committee.
16 23 Requests shall be filed with either the chief clerk of
16 24 the house or the chairperson of the ethics committee.
16 25 b. Form and contents of requests. A request for
16 26 a formal advisory opinion shall be in writing and
16 27 may pertain to any subject matter that is related to
16 28 application of the house code of ethics, the house
16 29 rules governing lobbyists, or chapter 68B of the Code
16 30 to any person who is subject to the authority of



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17 1 the ethics committee. Requests shall contain one or
17 2 more specific questions and shall relate either to
17 3 future conduct or be stated in the hypothetical. A
17 4 request for an advisory opinion shall not specifically
17 5 name any individual or contain any other specific
17 6 identifying information, unless the request relates
17 7 to the requester's own conduct. However, any request
17 8 may contain information which identifies the kind of
17 9 individual who may be affected by the subject matter
17 10 of the request. Examples of this latter kind of
17 11 identifying information may include references to
17 12 conduct of a category of individuals, such as but not
17 13 limited to conduct of legislators, legislative staff,
17 14 or lobbyists.

17 15 c. Confidentiality of formal requests and opinions.
17 16 Requests for formal opinions are not confidential and
17 17 any deliberations of the committee regarding a request
17 18 for a formal opinion shall be public. Opinions issued
17 19 in response to requests for formal opinions are not
17 20 confidential, shall be in writing, and shall be placed
17 21 on file in the office of the chief clerk of the house.
17 22 Persons requesting formal opinions shall personally
17 23 receive a copy of the written formal opinion that is
17 24 issued in response to the request.

17 25 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
17 26 following form shall be used for disclosure of economic
17 27 interests under these rules and section 68B.35 of the
17 28 Code:

17 29 STATEMENT OF ECONOMIC INTERESTS

17 30 Name: _____



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18 1 (Last) (First) (Middle Initial)
18 2 Address: _____
18 3 (Street Address, Apt.#/P.O. Box)
18 4 _____
18 5 (City) (State) (Zip)
18 6 Phone: (Home) _____/_____=_____(Business)_____/_____=_____
18 7 *****
18 8 This form is due each year on or before February 15.
18 9 The reporting period is the most recently completed
18 10 calendar year.
18 11 In completing Division III of this form, if your
18 12 percentage of ownership of an asset is less than 100
18 13 percent, multiply your percentage of ownership by the
18 14 total revenue produced to determine if you have reached
18 15 the \$1,000 threshold.
18 16 Do not report income received by your spouse or
18 17 other family members.
18 18 In completing this form, if insufficient space is
18 19 provided for your answer, you may attach additional
18 20 information/answers on full-size sheets of paper.
18 21 Division I. Business, Occupation, Profession.
18 22 List each business, occupation, or profession in
18 23 which you are engaged, the nature of the business if
18 24 not evident, and your position or job title. No income
18 25 threshold or time requirement applies.
18 26 Examples:
18 27 If you are employed by an individual, state the name
18 28 of the individual employer, the nature of the business,
18 29 and your position.
18 30 If you are self-employed and are not incorporated



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19 1 or are not doing business under a particular business
19 2 name, state that you are self-employed, the nature of
19 3 the business, and your position.

19 4 If you own your own corporation, are employed by a
19 5 corporation, or are doing business under a particular
19 6 business name, state the name and nature of the
19 7 business or corporation and your position.

19 8 1 _____
19 9 2 _____
19 10 3 _____
19 11 4 _____
19 12 5 _____
19 13 6 _____

19 14 Division II. Commissions from Sales of Goods or
19 15 Services to Political Subdivisions.

19 16 This part is to be completed only by Legislators.
19 17 If you received income in the form of a commission
19 18 from the sale of goods or services to a political
19 19 subdivision, state the name of the purchasing political
19 20 subdivision. The amount of commission earned is not
19 21 required to be listed.

19 22 1 _____
19 23 2 _____
19 24 3 _____
19 25 4 _____
19 26 5 _____
19 27 6 _____

19 28 Division III. Sources of Gross Income.

19 29 In each one of the following categories list each
19 30 source which produces more than \$1,000 in annual gross



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20 1 income, if the revenue produced by the source was
20 2 subject to federal or state income taxes last year.
20 3 List the nature or type of each company, business,
20 4 financial institution, corporation, partnership, or
20 5 other entity which produces more than \$1,000 of annual
20 6 gross income. Neither the amount of income produced
20 7 nor value of the holding is required to be listed in
20 8 any of the items.
20 9 A. Securities: State the nature of the business of
20 10 any company in which you hold stock, bonds, or other
20 11 pecuniary interests that generate more than \$1,000 in
20 12 annual gross income. Income generated by multiple
20 13 holdings in a single company are deemed received from
20 14 a single source.
20 15 _____
20 16 _____
20 17 _____
20 18 _____
20 19 _____
20 20 _____
20 21 B. Instruments of Financial Institutions: State
20 22 the types of institutions in which you hold financial
20 23 instruments, such as certificates of deposit, savings
20 24 accounts, etc., that produce annual gross income in
20 25 excess of \$1,000, e.g., banks, savings and loans, or
20 26 credit unions.
20 27 _____
20 28 _____
20 29 _____
20 30 _____



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21 1 _____
21 2 _____
21 3 C. Trusts: State the nature or type of any trust
21 4 from which you receive more than \$1,000 of gross income
21 5 annually.
21 6 _____
21 7 _____
21 8 _____
21 9 _____
21 10 _____
21 11 _____
21 12 D. Real Estate: State the general nature of real
21 13 estate interests that generate more than \$1,000 of
21 14 gross income annually, e.g., residential leasehold
21 15 interest or farm leasehold interest. The size or
21 16 location of the property interest is not required to
21 17 be listed.
21 18 _____
21 19 _____
21 20 _____
21 21 _____
21 22 _____
21 23 _____
21 24 E. Retirement Systems: State the name of each
21 25 pension plan or other corporation or company that pays
21 26 you more than \$1,000 annually in retirement benefits.
21 27 _____
21 28 _____
21 29 _____
21 30 _____



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22 1 _____
22 2 _____
22 3 F. Other Income Categories Specified in State and
22 4 Federal Income Tax Regulations.
22 5 _____
22 6 _____
22 7 _____
22 8 _____
22 9 _____
22 10 _____
22 11 (Signature of Filer) _____ (Date) _____
LSB 1353HV (2) 84
tm/rj



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House Study Bill 42

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to the boards of directors of public
2 corporations, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1496YC (9) 84
da/nh



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PAG LIN

1 1 Section 1. Section 490.140, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 21A. "Public corporation" means a
1 4 corporation that has a class of voting stock that is listed on
1 5 a national securities exchange or held of record by more than
1 6 two thousand shareholders.

1 7 Sec. 2. Section 490.702, subsection 5, unnumbered paragraph
1 8 1, Code 2011, is amended to read as follows:

1 9 Notwithstanding subsections 1 through 4, a public
1 10 corporation ~~which has a class of voting stock that is listed on~~
~~1 11 a national securities exchange, authorized for quotation on the~~
~~1 12 national association of securities dealers automated quotations~~
~~1 13 - national market system, or held of record by more than two~~
~~1 14 thousand shareholders,~~ is required to hold a special meeting
1 15 only upon the occurrence of either of the following:

1 16 Sec. 3. Section 490.803, subsections 2 and 3, Code 2011, are
1 17 amended to read as follows:

1 18 2. a. The number of directors may be increased or decreased
1 19 from time to time by amendment to, or in the manner provided
1 20 in, the articles of incorporation or the bylaws.

1 21 b. Notwithstanding paragraph "a", the number of directors of
1 22 a public corporation subject to section 490.806A, subsection 1,
1 23 shall be increased or decreased only by the affirmative vote of
1 24 a majority of its board of directors.

1 25 3. Directors are elected at the first annual shareholders'
1 26 meeting and at each annual meeting thereafter unless their
1 27 terms are staggered under section 490.806 or 490.806A.

1 28 Sec. 4. Section 490.805, subsections 2 and 4, Code 2011, are
1 29 amended to read as follows:

1 30 2. The terms of all other directors expire at the next
1 31 annual shareholders' meeting following their election unless
1 32 their terms are staggered under section 490.806 or 490.806A.

1 33 4. The term of a director elected to fill a vacancy expires
1 34 at the next shareholders' meeting at which directors are
1 35 elected, except as provided in section 490.806A.



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2 1 Sec. 5. Section 490.806, Code 2011, is amended to read as
2 2 follows:
2 3 490.806 Staggered terms for directors.
2 4 ~~The~~ Except as otherwise provided in section 490.806A,
2 5 a corporation's articles of incorporation may provide for
2 6 staggering the terms of its directors by dividing the total
2 7 number of directors into two or three groups, with each group
2 8 containing one-half or one-third of the total, as near as may
2 9 be. In that event, the terms of directors in the first group
2 10 expire at the first annual shareholders' meeting after their
2 11 election, the terms of the second group expire at the second
2 12 annual shareholders' meeting after their election, and the
2 13 terms of the third group, if any, expire at the third annual
2 14 shareholders' meeting after their election. At each annual
2 15 shareholders' meeting held thereafter, directors shall be
2 16 chosen for a term of two years or three years, as the case may
2 17 be, to succeed those whose terms expire.
2 18 Sec. 6. NEW SECTION. 490.806A Public corporations ====
2 19 staggered terms.
2 20 1. Except as provided in subsection 2, and notwithstanding
2 21 anything to the contrary in the articles of incorporation or
2 22 bylaws of a public corporation, the terms of directors of a
2 23 public corporation shall be staggered by dividing the number
2 24 of directors into three groups, as nearly equal in number as
2 25 possible. The first group shall be referred to as "class I
2 26 directors", the second group shall be referred to as "class II
2 27 directors", and the third group shall be referred to as "class
2 28 III directors".
2 29 a. On or before the date on which a public corporation first
2 30 convenes an annual shareholders' meeting following the time
2 31 the public corporation becomes subject to this subsection, the
2 32 board of directors of the public corporation shall by majority
2 33 vote designate from among its members directors to serve as
2 34 class I directors, class II directors, and class III directors.
2 35 b. The terms of directors serving in office on the date that



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3 1 the public corporation becomes subject to this subsection shall
3 2 be as follows:

3 3 (1) Class I directors shall continue in office until the
3 4 first annual shareholders' meeting following the date that the
3 5 public corporation becomes subject to this subsection, and
3 6 until their successors are elected. The shareholders' meeting
3 7 shall be conducted not less than eleven months following the
3 8 last annual shareholders' meeting conducted before the public
3 9 corporation became subject to this subsection.

3 10 (2) Class II directors shall continue in office until one
3 11 year following the first annual shareholders' meeting described
3 12 in subparagraph (1), and until their successors are elected.

3 13 (3) Class III directors shall continue in office until
3 14 two years following the first annual shareholders' meeting
3 15 described in subparagraph (1), and until their successors are
3 16 elected.

3 17 c. At each annual shareholders' meeting of a public
3 18 corporation subject to this subsection, the successors to the
3 19 class of directors whose term expires at that meeting shall be
3 20 elected to hold office for a term of three years following such
3 21 meeting and until their successors are elected.

3 22 d. The board of directors of a public corporation subject
3 23 to this subsection shall adopt an amendment to its articles of
3 24 incorporation as provided in section 490.1005A.

3 25 e. Notwithstanding this subsection, the articles of
3 26 incorporation of a public corporation may confer upon the
3 27 holders of preferred shares the right to elect one or more
3 28 directors pursuant to section 490.804, who shall serve for such
3 29 term, and have such voting powers, as shall be stated in the
3 30 articles of incorporation.

3 31 2. Every public corporation shall be subject to subsection
3 32 1, unless it is exempt pursuant to this subsection.

3 33 a. (1) (a) In order for a public corporation in existence
3 34 on the effective date of this Act to be exempt from subsection
3 35 1, its board of directors must adopt a resolution or take



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4 1 action under section 490.821 expressly making an election to be
4 2 exempt from the provisions of subsection 1. Such resolution
4 3 or action must be adopted or taken within forty days after the
4 4 effective date of this Act.

4 5 (b) In order for a corporation which becomes a public
4 6 corporation after the effective date of this Act to be
4 7 exempt from subsection 1, its board of directors must adopt
4 8 a resolution or take action under section 490.821 expressly
4 9 making an election to be exempt from the provisions of
4 10 subsection 1. Such resolution or action must be adopted or
4 11 taken within forty days after the date when the corporation
4 12 became a public corporation.

4 13 (2) Upon adopting the resolution or taking board action
4 14 under section 490.821, the public corporation is no longer
4 15 subject to subsection 1, effective immediately unless otherwise
4 16 provided for in the resolution or by the board action.

4 17 b. If on the effective date of this Act the articles of
4 18 incorporation of the public corporation already provide for
4 19 staggering the terms of its directors under section 490.806,
4 20 the public corporation shall be exempt from the provisions of
4 21 subsection 1. In such event, no further corporate action is
4 22 required, and the public corporation is not required to amend
4 23 or modify any provision of its articles of incorporation or
4 24 bylaws in order to be exempt from subsection 1.

4 25 3. A public corporation that is exempt pursuant to
4 26 subsection 2 may elect to become subject to subsection 1 at any
4 27 time. To do so, its board of directors must adopt a resolution
4 28 or take action under section 490.821 expressly making the
4 29 election. On that date the corporation shall become subject to
4 30 subsection 1, unless another date is expressly provided in the
4 31 resolution or by the board action.

4 32 Sec. 7. Section 490.808, subsection 1, Code 2011, is amended
4 33 to read as follows:

4 34 1. a. ~~The~~ Except as provided in paragraph "b", the
4 35 shareholders may remove one or more directors with or without



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House Study Bill 42 continued

5 1 cause unless the articles of incorporation provide that
5 2 directors may be removed only for cause.
5 3 b. Notwithstanding its articles of incorporation or bylaws,
5 4 the shareholders of a public corporation subject to section
5 5 490.806A, subsection 1, shall not remove a director without
5 6 cause.
5 7 Sec. 8. Section 490.810, Code 2011, is amended by adding the
5 8 following new subsection:
5 9 NEW SUBSECTION. 1A. For a public corporation subject
5 10 to section 490.806A, subsection 1, a vacancy on the board of
5 11 directors, including but not limited to a vacancy resulting
5 12 from an increase in the number of directors, shall be filled
5 13 solely by the affirmative vote of a majority of the remaining
5 14 directors, even though less than a quorum of the board.
5 15 Sec. 9. NEW SECTION. 490.1005A Public corporation ====
5 16 amendment by board of directors.
5 17 1. The board of directors of a public corporation subject to
5 18 section 490.806A, subsection 1, shall adopt an amendment to its
5 19 articles of incorporation which includes all of the following:
5 20 a. A statement that the public corporation is subject to
5 21 section 490.806A, subsection 1.
5 22 b. Any necessary changes to the articles of incorporation
5 23 required to implement the requirements of section 490.806A,
5 24 subsection 1, including by staggering the terms of the board of
5 25 directors as described in that subsection.
5 26 2. Any amendment to the articles of incorporation as
5 27 provided in subsection 1 of this section shall be made without
5 28 shareholder approval.
5 29 3. Any amendment to the articles of incorporation as
5 30 provided in subsection 1 shall not be subsequently amended,
5 31 modified, superseded, or rescinded in a manner that is
5 32 inconsistent with the requirements of section 490.806A,
5 33 subsection 1.
5 34 Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being deemed
5 35 of immediate importance, takes effect upon enactment.



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House Study Bill 42 continued

1 EXPLANATION

2 GENERAL. This bill makes special provision for the

3 management of a public corporation by its board of directors.

4 PUBLIC CORPORATION DEFINED. The bill defines a public

5 corporation as either (1) having a class of voting stock listed

6 on a national trading exchange or (2) comprised of more than

7 2,000 shareholders. It deletes a provision referencing the

8 national association of securities dealers automated quotations

9 = national market system to reflect that such system is now a

10 national securities exchange.

11 STAGGERED TERMS FOR BOARD OF DIRECTORS. Currently, the

12 terms of directors for all corporations are for one year

13 (Code section 490.805), unless the terms are staggered by

14 dividing the total number of directors into two groups with

15 the directors serving either one or two years depending upon

16 the group or by dividing directors into three groups with the

17 directors serving one, two, or three years depending upon the

18 group (Code section 490.806). The bill requires that all

19 public corporations divide their number of directors into three

20 equal groups (referred to as "classes") serving staggered

21 three=year terms as designated by the current board. The

22 staggered term requirements apply to directors elected by

23 the public corporation's holders of common shares and not to

24 directors elected by holders of preferred shares (generally

25 a class of ownership enjoying a higher status when claiming

26 assets or earnings).

27 EXEMPTIONS. A public corporation may be exempted from the

28 new staggered term requirements, regardless of whether it is

29 subject to the one=term requirements in Code section 490.805

30 or the staggered term requirements in Code section 490.806.

31 The exemption applies only if its board makes an election to

32 opt out of the new staggered term requirements in Code section

33 490.806A by a date certain. The opt=out provision applies to a

34 public corporation that existed on the bill's effective date or

35 existed at any time as a private corporation and later became a



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7 1 public corporation after the bill's effective date. A public
7 2 corporation is automatically exempted from the new staggered
7 3 term requirements if it is already subject to the staggered
7 4 term requirements in Code section 490.806. It is not required
7 5 to amend its articles of incorporation or bylaws.
7 6 OPT=IN REQUIREMENTS. For a public corporation that is
7 7 exempt from the new staggered term requirements either because
7 8 of an opt=out election or automatically, its board may at
7 9 any time elect to become subject to the new staggered term
7 10 requirements in Code section 490.806A.
7 11 LIMITATION ON FUTURE AMENDMENTS TO ARTICLES OF
7 12 INCORPORATION. A public corporation that is subject to the
7 13 new staggered term requirements in Code section 490.806A must
7 14 amend its articles of incorporation. The amendment cannot be
7 15 revised in the future in a manner that is inconsistent with the
7 16 requirements.
7 17 OTHER PROVISIONS. Once a public corporation becomes subject
7 18 to the staggered term requirements in Code section 490.806A,
7 19 its directors cannot be removed by the shareholders without
7 20 cause. A vacancy on the board is to be filled only by the
7 21 affirmative vote of a majority of the remaining directors.
7 22 EFFECTIVE DATE. The bill takes effect upon enactment.

LSB 1496YC (9) 84

da/nh



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House Study Bill 43

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to instruments used to update the county
2 transfer books and index maintained by the county auditor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1051HC (11) 84
md/sc



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House Study Bill 43 continued

PAG LIN

1 1 Section 1. Section 558.66, Code 2011, is amended by striking
1 2 the section and inserting in lieu thereof the following:

1 3 558.66 Updating county administrative records.

1 4 1. Upon the receipt of an instrument that satisfies the
1 5 requirements of this section and the payment of the applicable
1 6 fees authorized in section 331.507, subsection 2, the auditor
1 7 shall enter the updated or corrected real estate ownership
1 8 information in the transfer books and index required by section
1 9 558.60.

1 10 2. In the case of an instrument filed with the recorder that
1 11 satisfies the requirements of this section, the recorder shall
1 12 collect the applicable fees authorized under section 331.507,
1 13 subsection 2, and section 331.604 and pay such fees to the
1 14 treasurer as provided in section 331.902, subsection 3.

1 15 3. Each of the following instruments shall be accepted by
1 16 the auditor for the purpose of updating the county transfer
1 17 books and index if a conveyance has not occurred:

1 18 a. A certificate issued by the clerk of the district court
1 19 or clerk of the supreme court indicating that the title to real
1 20 estate has been finally established in any named person by
1 21 judgment or decree or by will.

1 22 b. An affidavit of or on behalf of a surviving joint tenant
1 23 or a person who owns the remainder interest. The affidavit
1 24 shall include substantially the following:

1 25 (1) The name of the affiant.

1 26 (2) The name of the surviving joint tenant or owner of
1 27 the remainder interest, as applicable, whose name the county
1 28 records should reflect ownership of title.

1 29 (3) The name of the deceased joint tenant or life tenant and
1 30 such person's date of death.

1 31 (4) The legal description of the real estate located in the
1 32 county.

1 33 (5) The description and date of filing and recording of the
1 34 conveyance instrument by which the surviving joint tenant or
1 35 owner of the remainder interest acquired title.



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House Study Bill 43 continued

2 1 (6) The document reference number of the instrument
2 2 establishing title, if applicable.
2 3 (7) A request that the auditor enter the information on the
2 4 transfer books and index pursuant to subsection 1.
2 5 c. An affidavit by or for a person, other than an
2 6 individual, following a merger, consolidation, name change, or
2 7 change of fiduciary. The affidavit shall include substantially
2 8 the following, as applicable:
2 9 (1) The former name of the person.
2 10 (2) The new name of the person.
2 11 (3) The legal description of the real estate located in the
2 12 county.
2 13 (4) A description of the merger, consolidation, name
2 14 change, or change of fiduciary.
2 15 (5) A request that the auditor enter the information on the
2 16 transfer books and index pursuant to subsection 1.
2 17 d. Articles of merger, consolidation, or name change as
2 18 required by another provision of law if the legal description
2 19 of the real estate is attached thereto.
2 20 4. An instrument accepted by the auditor and used to update
2 21 the transfer books and index under this section, but which is
2 22 not recorded with the recorder, is not a muniment of title.

EXPLANATION

2 24 This bill strikes and rewrites current Code section 558.66
2 25 relating to updating of the county transfer books and index by
2 26 the county auditor upon receipt of certain certificates issued
2 27 by the clerk of the district court or clerk of the supreme
2 28 court indicating that the title to real estate has been finally
2 29 established and other specified affidavits filed relating to
2 30 real estate held in joint tenancy by married individuals.
2 31 The bill provides that upon the receipt of certain
2 32 instruments containing specified information relating to the
2 33 ownership of real estate and the payment of all required fees,
2 34 the auditor shall enter the updated or corrected real estate
2 35 ownership information in the transfer books and index. The



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3 1 types of instruments authorized in the bill for use by the
3 2 auditor include a certificate issued by the clerk of the
3 3 district court or clerk of the supreme court indicating that
3 4 the title to real estate has been finally established in any
3 5 named person by judgment or decree or by will, an affidavit of
3 6 or on behalf of a surviving joint tenant (not only those joint
3 7 tenants who are a surviving spouse) or a person who owns a
3 8 remainder interest, an affidavit by or for a person, other than
3 9 an individual, following a merger, consolidation, name change,
3 10 or change of fiduciary, and articles of merger, consolidation,
3 11 or name change if the legal description of the real estate is
3 12 attached. The bill provides that an instrument accepted by the
3 13 auditor and used to update the transfer books and index under
3 14 the bill, but which is not recorded with the county recorder,
3 15 is not a muniment of title.

LSB 1051HC (11) 84

md/sc



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House Study Bill 44

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act establishing a parole procedure for certain persons
2 serving a class "A" felony sentence.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1045YC (4) 84
jm/rj



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House Study Bill 44 continued

PAG LIN

1 1 Section 1. Section 902.1, Code 2011, is amended to read as
1 2 follows:

1 3 902.1 Class "A" felony.

1 4 1. Upon a plea of guilty, a verdict of guilty, or a special
1 5 verdict upon which a judgment of conviction of a class "A"
1 6 felony may be rendered, the court shall enter a judgment of
1 7 conviction and shall commit the defendant into the custody of
1 8 the director of the Iowa department of corrections for the rest
1 9 of the defendant's life. Nothing in the Iowa corrections code
1 10 pertaining to deferred judgment, deferred sentence, suspended
1 11 sentence, or reconsideration of sentence applies to a class "A"
1 12 felony, and a person convicted of a class "A" felony shall not
1 13 be released on parole unless the governor commutes the sentence
1 14 to a term of years.

1 15 2. a. Notwithstanding subsection 1, a person convicted
1 16 of a class "A" felony, and who was a child under the age
1 17 of eighteen at the time the offense was committed shall be
1 18 eligible for parole after serving a minimum term of confinement
1 19 of twenty-five years.

1 20 b. If a person is paroled pursuant to this subsection the
1 21 person shall be subject to the same set of procedures set out
1 22 in chapters 901B, 905, 906, and chapter 908, and rules adopted
1 23 under those chapters for persons on parole.

1 24 c. A person convicted of murder in the first degree in
1 25 violation of section 707.2 shall not be eligible for parole
1 26 pursuant to this subsection.

1 27 EXPLANATION

1 28 This bill establishes a parole procedure for certain persons
1 29 serving a class "A" felony.

1 30 The bill provides that a person serving a class "A" felony,
1 31 other than a person convicted of murder in the first degree,
1 32 who was under 18 years of age when the offense was committed is
1 33 eligible for parole after serving a minimum term of confinement
1 34 of 25 years.

1 35 The bill applies to the following class "A" felonies:



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House Study Bill 44 continued

2 1 conspiracy to manufacture for delivery, delivery, or intent to
2 2 deliver amphetamine or methamphetamine to a minor in violation
2 3 of Code section 124.401D; sexual abuse in the first degree in
2 4 violation of Code section 709.2; kidnapping in the first degree
2 5 in violation of Code section 710.2; and enhanced penalties for
2 6 sexual abuse and lascivious acts with a child in violation of
2 7 Code section 902.14.

2 8 If a person is paroled pursuant to the bill, the person
2 9 shall be subject to the same set of procedures set out in Code
2 10 chapters 901B, 905, 906, and 908, and rules adopted under those
2 11 Code chapters for persons on parole. The parole status of a
2 12 person paroled pursuant to the bill may be revoked and the
2 13 original sentence imposed under the procedures of Code chapter
2 14 908. The paroled person may also be discharged early from
2 15 parole pursuant to Code section 906.15.

2 16 Code section 903A.5 does not apply to reduce the mandatory
2 17 minimum sentence of 25 years established by the bill.

2 18 The bill also does not apply to enhanced life sentences in
2 19 Code chapter 901A (sexually predatory offenses).

LSB 1045YC (4) 84

jm/rj



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House Study Bill 45

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act excluding from the computation of net income capital
2 gains realized from the sale of all or substantially all of
3 the equity interests in certain businesses and including
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1581YC (9) 84
tw/sc



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House Study Bill 45 continued

PAG LIN

1 1 Section 1. Section 422.7, subsection 21, paragraph a,
1 2 subparagraph (1), Code 2011, is amended to read as follows:
1 3 (1) (a) Net capital gain from the sale of real property
1 4 used in a business, in which the taxpayer materially
1 5 participated for ten years, as defined in section 469(h)
1 6 of the Internal Revenue Code, and which has been held for
1 7 a minimum of ten years, or from the sale of a business, as
1 8 defined in section 423.1, in which the taxpayer materially
1 9 participated for ten years, as defined in section 469(h) of the
1 10 Internal Revenue Code, and which has been held for a minimum
1 11 of ten years. The sale of a business means the sale of all or
1 12 substantially all of the tangible personal property, intangible
1 13 property, or service of the business. "Sale of a business"
1 14 includes the sale of all or substantially all of the stock or
1 15 equity interests in the business, whether the business is held
1 16 as a proprietorship, corporation, partnership, joint venture,
1 17 trust, limited liability company, or another business entity.
1 18 (b) ~~However, where~~ If the business is sold to individuals
1 19 who are all lineal descendants of the taxpayer, the taxpayer
1 20 does not have to have materially participated in the business
1 21 in order for the net capital gain from the sale to be excluded
1 22 from taxation.
1 23 (c) ~~However, in~~ In lieu of the net capital gain deduction in
1 24 this paragraph and paragraphs "b", "c", and "d", ~~where~~ if the
1 25 business is sold to individuals who are all lineal descendants
1 26 of the taxpayer, the amount of capital gain from each capital
1 27 asset may be subtracted in determining net income.
1 28 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 29 retroactively to January 1, 2011, for tax years beginning on
1 30 or after that date.

1 31 EXPLANATION

1 32 This bill relates to the taxation of capital gains on the
1 33 sale of assets held in a business.
1 34 Current law provides an exclusion from the computation of
1 35 net income for any capital gains realized from the sale of



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House Study Bill 45 continued

2 1 all or substantially all of the tangible personal property or
2 2 service of a business if the taxpayer materially participated
2 3 in the business and held the assets for at least 10 years. This
2 4 exclusion, however, does not extend to the sale of stock or
2 5 other equity interests in the business. The bill applies the
2 6 exclusion to the sale of intangible property of the business,
2 7 including stock or other equity interests in the business.
2 8 The bill applies retroactively to January 1, 2011, for tax
2 9 years beginning on or after that date.

LSB 1581YC (9) 84

tw/sc



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Senate Amendment 3002

PAG LIN

1 1 Amend Senate Resolution 2 as follows:
1 2 #1. Page 20, line 19, by striking <voting on a
1 3 simple resolution>

MERLIN BARTZ
SR2.174 (2) 84
rj/nh



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Senate Amendment 3003

PAG LIN

1	1	Amend Senate Resolution 3 as follows:
1	2	#1. Page 3, line 7, after <committee> by inserting
1	3	<or from an organization exempt from taxation under
1	4	section 501(c)(4), 501(c)(6), or 527 of the Internal
1	5	Revenue Code that engages in activities related to the
1	6	nomination, election, or defeat of a candidate for
1	7	public office>

JOHN P. KIBBIE
SR3.168 (2) 84
tm/rj



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Senate Amendment 3004

PAG LIN

1 1 Amend Senate Resolution 2 as follows:
1 2 #1. Page 31, after line 20 by inserting:
1 3 <Any joint resolution proposing an amendment to
1 4 the Constitution of the State of Iowa received from
1 5 the house, shall be referred by the president to
1 6 an appropriate standing committee. Such a joint
1 7 resolution shall automatically be placed on the
1 8 calendar if the committee does not report out the
1 9 joint resolution within fifteen legislative days. If
1 10 such a joint resolution is rereferred to committee or
1 11 referred to another committee, the joint resolution
1 12 shall automatically be placed on the calendar if the
1 13 committee does not report out the joint resolution
1 14 within five legislative days. The majority leader
1 15 shall call up the joint resolution for debate within
1 16 fifteen legislative days of its placement on the
1 17 calendar. Within fifteen legislative days of the
1 18 joint resolution being called up for debate, the senate
1 19 shall consider or dispose of all amendments to the
1 20 joint resolution and the senate shall cause the joint
1 21 resolution to be read for the last time and immediately
1 22 placed upon its final passage. Within five legislative
1 23 days of its final passage the senate shall dispose of
1 24 any motions to reconsider the joint resolution and
1 25 shall immediately return the joint resolution to the
1 26 house.>

MERLIN BARTZ
SR2.144 (2) 84
rj/nh



Iowa General Assembly
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Senate File 111 - Introduced

SENATE FILE
BY FEENSTRA, BEHN, HAHN,
and ZAUN

A BILL FOR

1 An Act relating to eligibility under the healthy and well kids
2 in Iowa program, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1854SS (4) 84
pf/nh



Iowa General Assembly
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Senate File 111 - Introduced continued

PAG LIN

1 1 Section 1. Section 514I.1, subsection 5, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 514I.4, subsection 5, paragraph b, Code
1 4 2011, is amended by striking the paragraph.
1 5 Sec. 3. Section 514I.5, subsection 8, paragraph h, Code
1 6 2011, is amended by striking the paragraph.
1 7 Sec. 4. Section 514I.7, subsection 2, paragraph l, Code
1 8 2011, is amended by striking the paragraph.
1 9 Sec. 5. Section 514I.8, subsection 2, paragraph c, Code
1 10 2011, is amended to read as follows:
1 11 c. Is a member of a family whose income does not exceed
1 12 ~~three one hundred fifty~~ percent of the federal poverty level,
1 13 as defined in 42 U.S.C. { 9902(2), including any revision
1 14 required by such section, and in accordance with the federal
1 15 Children's Health Insurance Program Reauthorization Act of
1 16 2009, Pub. L. No. 111=3.
1 17 Sec. 6. Section 514I.8, subsection 3, Code 2011, is amended
1 18 to read as follows:
1 19 3. In accordance with the rules adopted by the board,
1 20 a child may be determined to be presumptively eligible for
1 21 the program pending a final eligibility determination.
1 22 Following final determination of eligibility by the
1 23 administrative contractor, a child shall be eligible for a
1 24 twelve=month period. At the end of the twelve=month period,
1 25 the administrative contractor shall conduct a review of the
1 26 circumstances of the eligible child's family to establish
1 27 eligibility ~~and cost sharing~~ for the subsequent twelve=month
1 28 period.
1 29 Sec. 7. Section 514I.10, subsections 2 and 3, Code 2011, are
1 30 amended by striking the subsections.
1 31 Sec. 8. DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES. The
1 32 department of human services shall amend the children's
1 33 health insurance program state plan to provide for coverage of
1 34 children whose family income does not exceed one hundred fifty
1 35 percent of the federal poverty level beginning July 1, 2011.



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Senate File 111 - Introduced continued

2 1 Sec. 9. EFFECTIVE UPON ENACTMENT. The following provision
2 2 of this Act, being deemed of immediate importance, takes effect
2 3 upon enactment:
2 4 1. The section of this Act directing the department of human
2 5 services to amend the children's health insurance program state
2 6 plan.

EXPLANATION

2 8 This bill amends provisions relating to the healthy and
2 9 well kids in Iowa program to reduce income eligibility for the
2 10 program from 300 percent of the federal poverty level to not
2 11 more than 150 percent of the federal poverty level. The bill
2 12 directs the department of human services (DHS) to amend the
2 13 children's health insurance program state plan to provide for
2 14 coverage of children whose family income does not exceed 150
2 15 percent of the federal poverty level beginning July 1, 2011.
2 16 The provision directing DHS to amend the children's health
2 17 insurance program state plan takes effect upon enactment.

LSB 1854SS (4) 84

pf/nh



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Senate File 112 - Introduced

SENATE FILE
BY DEARDEN

A BILL FOR

1 An Act relating to the procedures for approving the use of
2 property as a shooting range.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1911SS (5) 84
md/sc



Iowa General Assembly
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Senate File 112 - Introduced continued

PAG LIN

1 1 Section 1. Section 657.9, unnumbered paragraph 1, Code
1 2 2011, is amended to read as follows:
1 3 Before a person improves property acquired to establish,
1 4 use, and maintain a shooting range by the erection of
1 5 buildings, breastworks, ramparts, or other works or before a
1 6 person substantially changes the existing use of a shooting
1 7 range, the person shall obtain approval from the county board
1 8 of supervisors or the city council, as applicable. However,
1 9 the person shall first obtain a recommendation of approval of
~~1 10 from the county zoning commission or the city zoning commission~~
1 11 under section 335.8 or 414.6, whichever is appropriate.
1 12 ~~The appropriate commission shall comply with commission's~~
1 13 ~~recommendation of approval shall then be submitted to the~~
1 14 county board of supervisors or the city council for approval
1 15 pursuant to section 335.8 or 414.6. In the event a county
1 16 or city does not have a zoning commission, the county board
1 17 of supervisors or the city council shall comply with section
~~1 18 sections 335.5 and 335.6 or sections 414.3 and 414.5, as~~
1 19 applicable, before granting the approval.

1 20 EXPLANATION

1 21 This bill specifies the approval procedure that is required
1 22 before a person improves property acquired to establish, use,
1 23 and maintain a shooting range or before a person substantially
1 24 changes the existing use of a shooting range. A person is
1 25 required to first obtain a recommendation of approval from the
1 26 applicable county zoning commission or city zoning commission.
1 27 The appropriate zoning commission's recommendation of approval
1 28 is then submitted to the applicable county board of supervisors
1 29 or city council for approval.

1 30 The bill also specifies the zoning approval procedures to be
1 31 used by counties and cities when approving a shooting range if
1 32 the county or city does not have a zoning commission.

LSB 1911SS (5) 84

md/sc



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Senate File 113 - Introduced

SENATE FILE

BY BOLKCOM, DVORSKY,
HOGG, SENG, HATCH,
HORN, DEARDEN, FRAISE,
BLACK, KIBBIE, BEALL,
QUIIRMBACH, RAGAN,
WILHELM, JOCHUM, and
DANIELSON

A BILL FOR

1 An Act modifying provisions relating to the regulation of
2 delayed deposit services businesses, providing penalties,
3 and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1472XS (7) 84
rn/sc



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Senate File 113 - Introduced continued

PAG LIN

1 1 Section 1. Section 533D.2, subsection 2, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 "Delayed deposit services business" means a person who for a
1 4 ~~fee~~ finance charge does either of the following:
1 5 Sec. 2. Section 533D.2, Code 2011, is amended by adding the
1 6 following new subsection:
1 7 NEW SUBSECTION. 2A. "Finance charge" means all charges
1 8 payable directly or indirectly as a condition of a delayed
1 9 deposit service transaction, including interest, fees, service
1 10 charges, renewal charges, credit insurance premiums, and any
1 11 ancillary product sold in connection with a delayed deposit
1 12 service transaction.
1 13 Sec. 3. Section 533D.9, Code 2011, is amended to read as
1 14 follows:
1 15 533D.9 ~~Fee~~ Finance charge restriction ==== required disclosure.
1 16 1. A licensee shall not ~~charge a fee in excess of fifteen~~
~~1 17 dollars on the first one hundred dollars on the face amount~~
~~1 18 of a check or more than ten dollars on subsequent one hundred~~
~~1 19 dollar increments on~~ apply a finance charge in excess of an
1 20 amount equal to thirty=six percent per annum, as computed
1 21 pursuant to the federal Truth in Lending Act, times the face
1 22 amount of the check for services provided by the licensee, or
~~1 23 pro rata for any portion of one hundred dollars face value.~~
1 24 2. A licensee shall give to the maker of the check, at the
1 25 time any delayed deposit service transaction is made, or if
1 26 there are two or more makers, to one of them, notice written in
1 27 clear, understandable language disclosing all of the following:
1 28 a. The ~~fee~~ finance charge to be ~~charged~~ imposed for the
1 29 transaction.
1 30 b. The annual percentage rate as computed pursuant to the
1 31 federal Truth in Lending Act.
1 32 c. The date on which the check will be deposited or
1 33 presented for negotiation.
1 34 d. Any penalty, not to exceed fifteen dollars, which the
1 35 licensee will charge if the check is not negotiable on the



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Senate File 113 - Introduced continued

2 1 date agreed upon. A penalty to be charged pursuant to this
2 2 section shall only be collected by the licensee once on a check
2 3 no matter how long the check remains unpaid. A penalty to be
2 4 charged pursuant to this section is a licensee's exclusive
2 5 remedy and if a licensee charges a penalty pursuant to this
2 6 section no other penalties under this chapter or any other
2 7 provision apply.

2 8 3. In addition to the notice required by subsection 2, every
2 9 licensee shall conspicuously display a schedule of all ~~fees,~~
~~2 10~~ finance charges, and penalties for all services provided by
2 11 the licensee authorized by this section. The notice shall be
2 12 posted at the office and every branch office of the licensee.

2 13 Sec. 4. Section 533D.10, subsection 1, paragraphs d and f,
2 14 Code 2011, are amended to read as follows:

2 15 d. Require the maker to receive payment by a method which
2 16 causes the maker to pay additional ~~or further fees and~~ finance
2 17 charges to the licensee or another person.

2 18 f. Receive or apply any other finance charges or ~~fees~~
~~2 19~~ penalties in addition to ~~the fees~~ those listed in section
2 20 533D.9, subsections 1 and 2.

2 21 Sec. 5. Section 533D.10, subsection 1, Code 2011, is amended
2 22 by adding the following new paragraph:

2 23 NEW PARAGRAPH. g. Engage in any device or subterfuge
2 24 intended to evade the requirements of this chapter, including
2 25 but not limited to assisting a maker of a check in entering
2 26 into a delayed deposit service transaction at a rate of
2 27 interest prohibited pursuant to the laws of this state,
2 28 entering into transactions disguised as personal property sales
2 29 and leaseback transactions, or disguising amounts received
2 30 pursuant to a transaction as cash rebates for the pretextual
2 31 installment sale of goods or services, or assisting a maker
2 32 of a check in entering into a transaction through the mail,
2 33 telephone, internet, or any other electronic means, regardless
2 34 of whether the licensee has a physical location in this state.

2 35 Sec. 6. Section 533D.10, Code 2011, is amended by adding the



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3 1 following new subsection:

3 2 NEW SUBSECTION. 3. A delayed deposit service transaction
3 3 made in violation of this chapter may not be enforced against a
3 4 maker of a check. A delayed deposit service transaction made
3 5 in violation of this chapter is void, and the licensee does not
3 6 have the right to collect, receive, or retain any payments,
3 7 interest, or finance charges from the maker of the check.

3 8 Sec. 7. Section 533D.12, subsection 2, paragraph d, Code
3 9 2011, is amended by striking the paragraph.

3 10 Sec. 8. Section 533D.12, Code 2011, is amended by adding the
3 11 following new subsection:

3 12 NEW SUBSECTION. 7. A violation of this chapter is a
3 13 violation of section 714.16, subsection 2, paragraph "a". The
3 14 provisions of section 714.16, including but not limited to
3 15 provisions relating to investigation, injunctive relief, and
3 16 penalties, shall apply to this chapter unless more prescriptive
3 17 and stringent provisions are otherwise specified in this
3 18 chapter.

3 19 Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 20 immediate importance, takes effect upon enactment.

3 21 EXPLANATION

3 22 This bill modifies provisions relating to the regulation of
3 23 delayed deposit services businesses.

3 24 The bill deletes current provisions prohibiting delayed
3 25 deposit services licensees from charging a fee in excess of \$15
3 26 on the first \$100 on the face amount of a check or more than \$10
3 27 on subsequent \$100 increments on the face amount of the check
3 28 for services provided by the licensee. The bill substitutes a
3 29 provision prohibiting imposition of a finance charge in excess
3 30 of 36 percent per annum as computed pursuant to the federal
3 31 Truth in Lending Act, times the face amount of the check. The
3 32 bill defines "finance charge" to mean all charges payable
3 33 directly or indirectly as a condition of a delayed deposit
3 34 service transaction, including interest, fees, service charges,
3 35 renewal charges, credit insurance premiums, and any ancillary



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4 1 product sold in connection with a delayed deposit service
4 2 transaction.
4 3 The bill provides, with respect to prohibited acts by a
4 4 licensee, that a licensee may not engage in any device or
4 5 subterfuge intended to evade the requirements of Code chapter
4 6 533D, including but not limited to assisting a maker of a check
4 7 in entering into a delayed deposit service transaction at a
4 8 rate of interest prohibited pursuant to Iowa law, entering into
4 9 transactions disguised as personal property sales and leaseback
4 10 transactions, or disguising amounts received pursuant to a
4 11 transaction as cash rebates for the pretextual installment
4 12 sale of goods or services, or assisting a maker of a check
4 13 in entering into a transaction through the mail, telephone,
4 14 internet, or any other electronic means, regardless of whether
4 15 the licensee has a physical location in this state. The
4 16 bill additionally provides that a delayed deposit service
4 17 transaction entered into which violates the Code chapter may
4 18 not be enforced with respect to a maker of a check, that any
4 19 payment made or collected in connection therewith is void, and
4 20 that the licensee does not have the right to collect, receive,
4 21 or retain any payments, interest, or finance charges.
4 22 Further, the bill deletes a penalty provision authorizing
4 23 the superintendent of banking to impose a civil penalty not to
4 24 exceed \$5,000 per violation. The bill states that a violation
4 25 of the Code chapter constitutes a consumer fraud pursuant to
4 26 the provisions of Code section 714.16, and that the applicable
4 27 provisions relating to investigation, injunctive relief,
4 28 and penalties shall apply to Code chapter 533D unless more
4 29 prescriptive and stringent provisions are otherwise specified
4 30 in the Code chapter. The primary effect of this change is
4 31 to make violations subject to a civil penalty pursuant to
4 32 Code section 714.16, subsection 7, in an amount not to exceed
4 33 \$40,000 per violation, and in addition a civil penalty of
4 34 not more than \$5,000 for each day of intentional violation
4 35 of a temporary restraining order, preliminary injunction, or



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5 1 permanent injunction.

5 2 The bill takes effect upon enactment.

LSB 1472XS (7) 84

rn/sc



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Senate File 114 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act modifying the definition of good moral character for
2 purposes of issuance of a liquor control license, beer
3 permit, or wine permit.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1366XS (2) 84
rn/nh



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Senate File 114 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.3, subsection 26, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 0e. The person is not or has not previously
1 4 been an owner or manager of any retail business or commercial
1 5 establishment that constitutes or was found to have constituted
1 6 a public nuisance by a state or local board, commission,
1 7 department, or other regulatory authority.

1 8 Sec. 2. Section 123.3, Code 2011, is amended by adding the
1 9 following new subsection:

1 10 NEW SUBSECTION. 26A. "Public nuisance" means any business
1 11 whose operation or maintenance can be characterized by either
1 12 of the following:

1 13 a. Jeopardizing or endangering the public health or safety,
1 14 or the health or safety of persons residing or working on the
1 15 premises or in the surrounding area.

1 16 b. Repeatedly resulting in or facilitating disturbances of
1 17 the peace, illegal drug activity including sales or possession
1 18 thereof, public drunkenness, open container violations,
1 19 underage possession of alcohol, other alcohol-related offenses,
1 20 other criminal offenses, harassment of passersby, illegal
1 21 gambling, prostitution, sale of stolen goods, public urination,
1 22 theft, assaults, batteries, acts of vandalism, excessive
1 23 littering, illegal parking, or a disproportionate need for
1 24 peace officer patrol or response.

1 25 EXPLANATION

1 26 This bill modifies the definition of "good moral character"
1 27 applicable to requirements which must be satisfied by an
1 28 applicant prior to issuance of a liquor control license, beer
1 29 permit, or wine permit by the alcoholic beverages division of
1 30 the department of commerce.

1 31 The bill adds to currently defined elements constituting
1 32 good moral character that an applicant is not currently nor
1 33 has previously been an owner or manager of any retail business
1 34 or commercial establishment that constitutes or was found to
1 35 have constituted a public nuisance by a state or local board,



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Senate File 114 - Introduced continued

2 1 commission, department, or other regulatory authority. The
2 2 bill provides a definition of "public nuisance" which is
2 3 more narrowly focused on the type of business or commercial
2 4 establishment to which a license or permit might be issued
2 5 under Code chapter 123 than the definition contained in Code
2 6 chapter 676, dealing generally with nuisances.
2 7 The bill defines a public nuisance as any business whose
2 8 operation or maintenance, regardless of knowledge or fault
2 9 on the part of the owner or manager, either jeopardizes or
2 10 endangers public health or safety or the health or safety
2 11 of persons residing or working on the premises or in the
2 12 surrounding area, or repeatedly results in or facilitates
2 13 several specified disturbances or activities. These
2 14 disturbances or activities include disturbances of the peace,
2 15 illegal drug activity including sales or possession thereof,
2 16 public drunkenness, open container violations, underage
2 17 possession of alcohol, other alcohol-related offenses, other
2 18 criminal offenses, harassment of passersby, illegal gambling,
2 19 prostitution, sale of stolen goods, public urination, theft,
2 20 assaults, batteries, acts of vandalism, excessive littering,
2 21 illegal parking, or a disproportionate need for peace officer
2 22 patrol or response.

LSB 1366XS (2) 84

rn/nh



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Senate File 115 - Introduced

SENATE FILE
BY BOLKCOM and JOCHUM

A BILL FOR

1 An Act requiring that certain housing constructed using public
2 funds incorporate minimum universal design standards
3 relating to accessibility.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1938XS (2) 84
aw/sc



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Senate File 115 - Introduced continued

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1 1 Section 1. NEW SECTION. 104A.3 Minimum universal design
1 2 standards === accessibility.
1 3 1. Findings. The general assembly finds and declares
1 4 it is the policy of this state to encourage the design and
1 5 construction of affordable homes and apartments that people
1 6 of all ages and abilities can independently access, enter,
1 7 and visit. Incorporating universal design features into new
1 8 construction dramatically reduces the need to make and pay
1 9 for home modifications that address accessibility and use
1 10 restrictions related to aging and temporary or long-term
1 11 injury, illness, or disability.
1 12 2. Definitions. For purposes of this section, unless the
1 13 context otherwise requires:
1 14 a. "New construction" means housing that is being
1 15 constructed on-site and did not previously exist in residential
1 16 or nonresidential form. "New construction" does not include the
1 17 alteration, renovation, or remodeling of an existing structure.
1 18 b. "Publicly financed housing" includes any single-family
1 19 home, townhouse, duplex, and any other building with three or
1 20 fewer dwelling units constructed in whole or in part using
1 21 public funding or assistance provided by or through the state
1 22 or any political subdivision of the state.
1 23 3. Standards.
1 24 a. All new construction of publicly financed housing shall
1 25 incorporate minimum universal design standards in its design
1 26 and construction.
1 27 b. The state building code commissioner shall, after
1 28 consultation with the Iowa finance authority, the Iowa
1 29 department of economic development, the Iowa civil rights
1 30 commission, the department on aging, representatives of
1 31 the homebuilding industry, and advocates for persons with
1 32 disabilities, adopt rules, pursuant to chapter 17A, to
1 33 establish minimum universal design standards. The rules shall
1 34 address, at a minimum, the following subjects:
1 35 (1) Accessible entrances, doorways, and hallways. At least



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Senate File 115 - Introduced continued

2 1 one entrance shall be accessible and on an accessible route
2 2 into and through the dwelling.
2 3 (2) Accessible and adaptable bathrooms. At least one
2 4 bathroom shall be accessible and adaptable.
2 5 (3) Accessible electrical, light, and environmental
2 6 controls.
2 7 (4) Provisions to allow elements of the minimum universal
2 8 design standards to be waived for a specific project if
2 9 strict compliance is determined to be prohibitively costly
2 10 or technically infeasible. The state agency or political
2 11 subdivision administering or providing the public funds shall
2 12 make such determinations and shall report such determinations
2 13 to the building code commissioner.
2 14 4. Enforcement. The entity by or through which the
2 15 public funding or assistance for publicly financed housing is
2 16 administered shall enforce the requirements of this section.
2 17 This section shall not be construed to require the department
2 18 of public safety to engage in enforcement activities.
2 19 5. Applicability. The requirements of this section shall
2 20 apply to any publicly financed housing for which a building
2 21 permit is requested on or after July 1, 2012.

2 22 EXPLANATION

2 23 This bill requires the state building code commissioner to
2 24 adopt by rule minimum universal design standards relating to
2 25 accessibility and applicable to publicly financed housing.
2 26 Publicly financed housing is defined as any single-family home,
2 27 townhouse, duplex, and any other building with three or fewer
2 28 dwelling units constructed in whole or in part with public
2 29 funds.
2 30 The bill provides that the design standards shall apply
2 31 to new construction of publicly financed housing for which
2 32 a building permit is requested on or after July 1, 2012.
2 33 The bill requires the state building code commissioner to
2 34 consult with the Iowa finance authority, the Iowa department
2 35 of economic development, the Iowa civil rights commission,



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3 1 the department on aging, representatives of the homebuilding
3 2 industry, and advocates for persons with disabilities prior to
3 3 adopting rules. The bill further provides that the universal
3 4 design standards shall address accessible entrances, doorways,
3 5 hallways, bathrooms, and environmental controls, and shall
3 6 include a waiver provision.
3 7 The bill provides that enforcement of the bill shall be by
3 8 the public entity providing the public funds for the housing.



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Senate File 116 - Introduced

SENATE FILE

BY DOTZLER, BOLKCOM,
DANIELSON, DVORSKY,
RIELLY, SENG, HANCOCK,
SCHOENJAHN, HORN,
DEARDEN, FRAISE,
GRONSTAL, DANDEKAR,
KIBBIE, QUIRMBACH,
McCOY, RAGAN, WILHELM,
JOCHUM, BOWMAN, and
HATCH

A BILL FOR

1 An Act relating to wage payment collection issues arising
2 between employers and individuals who provide services to
3 employers, providing penalties and remedies, and including
4 effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1956XS (4) 84

je/rj



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Senate File 116 - Introduced continued

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1 1 Section 1. Section 91A.2, subsection 6, Code 2011, is
1 2 amended to read as follows:

1 3 6. "Liquidated damages" means the sum of five percent
1 4 multiplied by the amount of any wages that were not paid or of
1 5 any authorized expenses that were not reimbursed on a regular
1 6 payday or on another day pursuant to section 91A.3 multiplied
1 7 by the total number of days, excluding Sundays, legal holidays,
1 8 and the first seven days after the regular payday on which
1 9 wages were not paid or expenses were not reimbursed. However,
1 10 such sum shall not exceed twice the amount of the unpaid wages
1 11 ~~and shall not accumulate when an employer is subject to a~~
1 12 ~~petition filed in bankruptcy.~~

1 13 Sec. 2. Section 91A.5, subsection 1, unnumbered paragraph
1 14 1, Code 2011, is amended to read as follows:

1 15 An employer shall have the burden to establish that a
1 16 deduction from employee wages is lawful. An employer shall not
1 17 withhold or divert any portion of an employee's wages unless:

1 18 Sec. 3. Section 91A.5, subsection 1, paragraph b, Code 2011,
1 19 is amended to read as follows:

1 20 b. The employer ~~has~~ obtains advance written authorization
1 21 from the employee to so deduct for any lawful purpose accruing
1 22 to the benefit of the employee.

1 23 Sec. 4. Section 91A.6, subsection 1, Code 2011, is amended
1 24 to read as follows:

1 25 1. An employer shall ~~after being notified by the~~
1 26 ~~commissioner pursuant to subsection 2~~ do the following:

1 27 a. Notify its employees in writing at the time of hiring
1 28 what wages and regular paydays are designated by the employer.

1 29 b. Notify its employees in writing whose wages are
1 30 determined based on a task, piece, mile, or load basis about
1 31 the method used to calculate wages and when the wages are
1 32 earned by the employees.

1 33 ~~b.~~ c. Notify, at least one pay period prior to the
1 34 initiation of any changes, its employees of any changes in
1 35 the arrangements specified in this subsection ~~+~~ that reduce



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Senate File 116 - Introduced continued

2 1 wages or alter the regular paydays. The notice shall either
2 2 be in writing or posted at a place where employee notices are
2 3 routinely posted.
2 4 ~~e.~~ d. Make available to its employees upon written request,
2 5 a written statement enumerating employment agreements and
2 6 policies with regard to vacation pay, sick leave, reimbursement
2 7 for expenses, retirement benefits, severance pay, or other
2 8 comparable matters with respect to wages. Notice of such
2 9 availability shall be given to each employee in writing or by a
2 10 notice posted at a place where employee notices are routinely
2 11 posted.

2 12 ~~d.~~ e. Establish, maintain, and preserve for three
2 13 calendar years the payroll records showing the hours worked,
2 14 wages earned, and deductions made for each employee and
2 15 any employment agreements entered into between an employer
2 16 and employee. Failure to do so shall raise a rebuttable
2 17 presumption that the employer did not pay the required minimum
2 18 wage under section 91D.1.

2 19 Sec. 5. Section 91A.6, subsection 2, Code 2011, is amended
2 20 by striking the subsection.

2 21 Sec. 6. Section 91A.6, subsection 4, Code 2011, is amended
2 22 by striking the subsection and inserting in lieu thereof the
2 23 following:

2 24 4. a. On each regular payday, the employer shall send to
2 25 each employee by mail or shall provide at the employee's normal
2 26 place of employment during normal employment hours a statement
2 27 showing the wages earned by the employee, the deductions made
2 28 for the employee, and the following information, as applicable:

2 29 (1) For each employee paid in whole or in part on an hourly
2 30 basis, the statement shall show the hours the employee worked.

2 31 (2) For each employee paid based on a percentage of sales or
2 32 based on a percentage of revenue generated for the employer,
2 33 the statement shall include a list of the amount of each sale
2 34 or the amount of revenue during the pay period.

2 35 (3) For each employee whose pay is based on the number



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3 1 of miles or loads performed, the statement shall include the
3 2 applicable number performed during the pay period.

3 3 b. An employer who provides each employee access to view an
3 4 electronic statement of the employee's earnings and provides
3 5 the employee free and unrestricted access to a printer to print
3 6 the employee's statement of earnings, if the employee chooses,
3 7 is in compliance with this subsection.

3 8 Sec. 7. Section 91A.8, Code 2011, is amended to read as
3 9 follows:

3 10 91A.8 Damages recoverable by an employee.

3 11 When it has been shown that an employer has intentionally
3 12 failed to pay an employee wages or reimburse expenses pursuant
3 13 to section 91A.3, whether as the result of a wage dispute or
3 14 otherwise, the employer shall be liable to the employee for ~~any~~
~~3 15 the unpaid wages or expenses that are so intentionally failed~~
~~3 16 to be paid or reimbursed~~, plus liquidated damages, court costs,
3 17 and any ~~attorney's~~ attorney fees incurred in recovering the
3 18 unpaid wages and determined to have been usual and necessary.
3 19 ~~In other instances the employer shall be liable only for~~
~~3 20 unpaid wages or expenses, court costs and usual and necessary~~
~~3 21 attorney's fees incurred in recovering the unpaid wages or~~
~~3 22 expenses.~~

3 23 Sec. 8. Section 91A.10, subsection 5, Code 2011, is amended
3 24 to read as follows:

3 25 ~~5. An employer shall not discharge or in any other manner~~
~~3 26 discriminate against any employee because the employee has~~
~~3 27 filed a complaint, assigned a claim, or brought an action under~~
~~3 28 this section or has cooperated in bringing any action against~~
~~3 29 an employer.~~

3 30 5. a. An employer or other person shall not discharge or
3 31 in any other manner discriminate or retaliate against any of
3 32 the following:

3 33 (1) An employee or other person for exercising any right
3 34 provided under this chapter or any rules adopted pursuant to
3 35 this chapter.



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4 1 (2) Another employee or person for providing assistance to
4 2 an employee or providing information regarding the employee or
4 3 person.

4 4 (3) Another employee or person for testifying or planning
4 5 to testify in any investigation or proceeding regarding the
4 6 employee or person.

4 7 b. Taking adverse action against an employee or other person
4 8 within ninety days of an employee's or other person's engaging
4 9 in any of the activities in paragraph "a" raises a presumption
4 10 that such action was retaliation, which may be rebutted by
4 11 evidence that such action was taken for other permissible
4 12 reasons.

4 13 c. Any employee may file a complaint with the commissioner
4 14 alleging discharge, ~~or~~ discrimination, or retaliation within
4 15 thirty days after such violation occurs. Upon receipt of the
4 16 complaint, the commissioner shall cause an investigation to be
4 17 made to the extent deemed appropriate. If the commissioner
4 18 determines from the investigation that the provisions of this
4 19 subsection have been violated, the commissioner shall bring
4 20 an action in the appropriate district court against such
4 21 person. The district court shall have jurisdiction, for cause
4 22 shown, to restrain violations of this subsection and order all
4 23 appropriate relief including rehiring or reinstatement of the
4 24 employee to the former position with back pay.

4 25 Sec. 9. Section 91A.10, Code 2011, is amended by adding the
4 26 following new subsection:

4 27 NEW SUBSECTION. 6. A civil action to enforce subsection 5
4 28 may also be maintained in any court of competent jurisdiction
4 29 by the commissioner or by any party injured by a violation
4 30 of subsection 5. An employer or other person who retaliates
4 31 against an employee or other person in violation of subsection
4 32 5 shall be required to pay the employee or other person
4 33 an amount set by the commissioner or a court sufficient to
4 34 compensate the employee or other person and to deter future
4 35 violations, but not less than one hundred fifty dollars for



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5 1 each day that the violation occurred.

5 2 Sec. 10. NEW SECTION. 91A.15 Commissions earned date.

5 3 An employer shall not require that a person be a current
5 4 employee to be paid a commission that the person otherwise
5 5 earned.

5 6 Sec. 11. EFFECTIVE DATE. This Act takes effect January 1,
5 7 2012.

5 8 EXPLANATION

5 9 This bill relates to employers and individuals who perform
5 10 labor and wage payment collection.

5 11 Code section 91A.2(6) is amended to limit liquidated damages
5 12 to twice the amount of unpaid wages rather than the amount of
5 13 unpaid wages.

5 14 Code section 91A.5 is amended to provide that the employer
5 15 has the burden to establish that a deduction from employees'
5 16 wages is lawful and must obtain written authorization for the
5 17 deduction from the employee in advance.

5 18 Code section 91A.6(1) is amended to remove the requirement
5 19 that an employer be notified by the division of labor services
5 20 of the department of workforce development before the employer
5 21 is required to fulfill the requirements in subsection 1
5 22 relating to employee wage and benefit information. In Code
5 23 section 91A.6(1)(b), the employer must notify employees in
5 24 writing whose wages are determined based on a task, piece,
5 25 mile, or load basis about the method to calculate wages, when
5 26 wages are earned. Code section 91A.6(1)(e) is amended to
5 27 establish a rebuttable presumption that an employer did not
5 28 pay the minimum wage if the employer does not maintain proper
5 29 payroll records.

5 30 Current Code section 91A.6(2), setting out certain employer
5 31 compliance procedures, is stricken.

5 32 Code section 91A.6(4) is amended so that the employer
5 33 must send to each employee by mail, or at the place of
5 34 business during the employee's working hours a statement of
5 35 the employee's earnings, deductions made, and as applicable



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6 1 the following: for an employee paid hourly, the number of
6 2 hours worked during the pay period; for an employee paid on a
6 3 percentage of sales or revenue generated, a list of sales or
6 4 amount of revenue during the pay period; and for an employee
6 5 paid based on the number of miles or loads performed, the
6 6 applicable number performed during the pay period. An employer
6 7 who provides an electronic statement and gives employees free
6 8 and unrestricted access to the statement is in compliance with
6 9 the Code section.

6 10 In Code section 91A.8, when any specified violation of Code
6 11 chapter 91A occurs, an employer shall be liable for unpaid
6 12 wages or expenses plus liquidated damages, court costs, and
6 13 attorney fees incurred in recovering wages.

6 14 Code section 91A.10(5), which is the subsection covering
6 15 retaliatory actions by employers or others, is expanded
6 16 to cover persons other than employees who act under Code
6 17 chapter 91A with respect to an employee. A 90-day period is
6 18 established during which any action against an employee or
6 19 other person is rebuttably presumed to be retaliatory. New
6 20 subsection 6 is created in Code section 91A.10 to allow the
6 21 commissioner or any injured party to maintain a civil action in
6 22 any court of proper jurisdiction. An employer who retaliates
6 23 against an employee or other person shall compensate the
6 24 injured party an amount set by the commissioner or the court,
6 25 but not less than \$150 for each day of the violation.

6 26 In new Code section 91A.15, an employer shall not require
6 27 that an individual be a current employee to be paid an earned
6 28 commission.

6 29 The bill takes effect January 1, 2012.



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Senate Joint Resolution 10 - Introduced

SENATE JOINT RESOLUTION
BY FEENSTRA

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa limiting years of service for members
3 of the general assembly, the lieutenant governor, and the
4 governor.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1811XS (1) 84
aw/sc



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Senate Joint Resolution 10 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 1. Section 3 of Article III of the Constitution of the State
1 4 of Iowa is repealed and the following adopted in lieu thereof:
1 5 Representatives.SEC. 3. The members of the house of
1 6 representatives shall be chosen every second year, by the
1 7 qualified electors of their respective districts, and their
1 8 term of office shall commence on the first day of January
1 9 next after their election, and continue two years, and until
1 10 their successors are elected and qualified. A person shall
1 11 not be elected for a term as representative if the term would
1 12 result in more than a total of twelve years of service as a
1 13 representative. If a person is elected to serve a portion
1 14 of a term to which some other person was elected but that
1 15 person died in office or resigned from office or was otherwise
1 16 removed from office, those years served shall not be included
1 17 in the years of service for purposes of this limitation. This
1 18 limitation on the years of service shall only apply to terms of
1 19 office beginning on or after January 1, 2017.
1 20 2. Section 5 of Article III of the Constitution of the State
1 21 of Iowa is repealed and the following adopted in lieu thereof:
1 22 Senators ==== qualifications.SEC. 5. Senators shall be
1 23 chosen for the term of four years, at the same time and place as
1 24 representatives; they shall be twenty=five years of age, and
1 25 possess the qualifications of representatives as to residence
1 26 and citizenship. A person shall not be elected for a term
1 27 as senator if the term would result in more than a total of
1 28 twelve years of service as a senator. If a person is elected
1 29 to serve a portion of a term to which some other person was
1 30 elected but that person died in office or resigned from office
1 31 or was otherwise removed from office, those years served shall
1 32 not be included in the years of service for purposes of this
1 33 limitation. This limitation on the years of service shall only
1 34 apply to terms of office beginning on or after January 1, 2017.
1 35 3. Section 6 of Article IV of the Constitution of the State



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2 1 of Iowa is repealed and the following adopted in lieu thereof:
2 2 Eligibility. SEC. 6. No person shall be eligible to the
2 3 office of governor, or lieutenant governor, who shall not have
2 4 been a citizen of the United States, and a resident of the
2 5 state, two years next preceding the election, and attained
2 6 the age of thirty years at the time of said election. A
2 7 person shall not be elected for a term as governor if the term
2 8 would result in more than a total of twelve years of service
2 9 as governor. A person shall not be elected for a term as
2 10 lieutenant governor if the term would result in more than a
2 11 total of twelve years of service as lieutenant governor. If
2 12 a person is elevated or appointed to serve a portion of a term
2 13 to which some other person was elected but that person died in
2 14 office or resigned from office or was otherwise removed from
2 15 office, those years served shall not be included in the years
2 16 of service for purposes of this limitation. This limitation
2 17 on the years of service shall only apply to terms of office
2 18 beginning on or after January 1, 2019.

2 19 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
2 20 to the Constitution of the State of Iowa is referred to the
2 21 general assembly to be chosen at the next general election
2 22 for members of the general assembly, and the secretary of
2 23 state is directed to cause the same to be published for three
2 24 consecutive months previous to the date of that election as
2 25 provided by law.

2 26 EXPLANATION

2 27 This joint resolution proposes an amendment to the
2 28 Constitution of the State of Iowa limiting years of service
2 29 for persons elected to the offices of representative or
2 30 senator in the general assembly, lieutenant governor, and
2 31 governor. The amendment provides that a member of the house
2 32 of representatives shall not serve more than 12 years as a
2 33 representative for terms of office beginning on or after
2 34 January 1, 2017, and that a member of the senate shall not
2 35 serve more than 12 years as a senator for terms of office



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3 1 beginning on or after January 1, 2017. The amendment provides
3 2 that a person elected as lieutenant governor shall not serve
3 3 more than 12 years as lieutenant governor and that a person
3 4 elected as governor shall not serve more than 12 years as
3 5 governor, both applicable to terms of office beginning on or
3 6 after January 1, 2019.

3 7 The resolution, if adopted, would be referred to the next
3 8 general assembly for adoption before being submitted to the
3 9 electorate for ratification.

LSB 1811XS (1) 84

aw/sc



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Senate Study Bill 1060

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to health information technology including
2 the creation of a statewide health information exchange,
3 providing for fees, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1257DP (17) 84
pf/nh



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1 1 Section 1. NEW SECTION. 135D.1 Findings and intent.
1 2 1. The general assembly finds all of the following:
1 3 a. Technology used to support health-related functions is
1 4 widely known as health information technology. Electronic
1 5 health records are used to collect and store relevant patient
1 6 health information. Electronic health records serve as a means
1 7 of bringing evidence-based knowledge resources and patient
1 8 information to the point of care to support better decision
1 9 making and more efficient care processes.
1 10 b. Health information technology allows for comprehensive
1 11 management of health information and its secure electronic
1 12 exchange between providers, public health agencies, payers,
1 13 and consumers. Broad use of health information technology
1 14 should improve health care quality and the overall health of
1 15 the population, increase efficiencies in administrative health
1 16 care, reduce unnecessary health care costs, and help prevent
1 17 medical errors.
1 18 c. Health information technology provides a mechanism to
1 19 transform the delivery of health and medical care in Iowa and
1 20 across the nation.
1 21 2. It is the intent of the general assembly to use health
1 22 information technology as a catalyst to achieve a healthier
1 23 Iowa through the electronic sharing of health information. A
1 24 health information exchange involves sharing health information
1 25 across the boundaries of individual practice and institutional
1 26 health settings and with consumers. The result is a public
1 27 good that will contribute to improved clinical outcomes and
1 28 patient safety, population health, access to and quality of
1 29 health care, and efficiency in health care delivery.
1 30 Sec. 2. NEW SECTION. 135D.2 Definitions.
1 31 For the purposes of this chapter, unless the context
1 32 otherwise requires:
1 33 1. "Authorized" means having met the requirements as a
1 34 participant for access to the health information exchange.
1 35 2. "Board" means the board of directors of Iowa e=health.



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- 2 1 3. "Consumers" means people who acquire and use goods and
2 2 services for personal need.
- 2 3 4. "Continuity of care document" means a summary of a
2 4 patient's health information for each visit to a provider to be
2 5 delivered through the health information exchange.
- 2 6 5. "Department" means the department of public health.
- 2 7 6. "Deputy director" means the deputy director of public
2 8 health.
- 2 9 7. "Director" means the director of public health.
- 2 10 8. "Exchange" means the authorized electronic sharing
2 11 of health information between providers, payers, consumers,
2 12 local boards of health, the department, and other authorized
2 13 participants utilizing the health information exchange and
2 14 health information exchange services.
- 2 15 9. "Executive director" means the executive director of the
2 16 office of health information technology.
- 2 17 10. "Health information" means any information, in any
2 18 form or medium, that is created, transmitted, or received
2 19 by a provider, payer, consumer, local board of health, the
2 20 department, or other authorized participant, which relates
2 21 to the past, present, or future physical or mental health or
2 22 condition of an individual; the provision of health care to an
2 23 individual; or the past, present, or future payment for the
2 24 provision of health care to an individual.
- 2 25 11. "Health information exchange" means the exclusive
2 26 statewide electronic health information exchange.
- 2 27 12. "Health information exchange services" means the
2 28 exchanging of health information via the health information
2 29 exchange; education and outreach to support connection and
2 30 access to and use of the health information exchange; and all
2 31 other activities related to the electronic exchange of health
2 32 information.
- 2 33 13. "Health Insurance Portability and Accountability
2 34 Act" means the federal Health Insurance Portability and
2 35 Accountability Act of 1996, Pub. L. No. 104=191, including



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3 1 amendments thereto and regulations promulgated thereunder.
3 2 14. "Infrastructure" means technology including
3 3 architecture, hardware, software, networks, terminology and
3 4 standards, and policies and procedures governing the electronic
3 5 exchange of health information.
3 6 15. "Iowa e=health" means the collaboration between the
3 7 department and other public and private stakeholders to
3 8 establish, operate, and sustain an exclusive statewide health
3 9 information exchange.
3 10 16. "Iowa Medicaid enterprise" means Iowa medicaid
3 11 enterprise as defined in section 249J.3.
3 12 17. "Local board of health" means a county or district board
3 13 of health.
3 14 18. "Office" means the office of health information
3 15 technology within the department.
3 16 19. "Participant" means an authorized provider, payer,
3 17 patient, local board of health, the department, or other
3 18 authorized person that has agreed to authorize, submit, access,
3 19 and disclose health information through the health information
3 20 exchange in accordance with this chapter and all applicable
3 21 laws, rules, agreements, policies, and procedures.
3 22 20. "Participation and data sharing agreement" means
3 23 the agreement outlining the terms of access and use for
3 24 participation in the health information exchange.
3 25 21. "Patient" means a person who has received or is
3 26 receiving health services from a provider.
3 27 22. "Payer" means a person who makes payments for health
3 28 services, including but not limited to an insurance company,
3 29 self=insured employer, government program, individual, or other
3 30 purchaser that makes such payments.
3 31 23. "Protected health information" means individually
3 32 identifiable information, including demographic information,
3 33 related to the past, present, or future health or condition
3 34 of a person; the provision of health care to a person; or the
3 35 past, present, or future payment for such health care; which is



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4 1 created, transmitted, or received by a participant. "Protected
4 2 health information" does not include education and other records
4 3 that are covered under the federal Family Educational Rights
4 4 and Privacy Act of 1974, as codified at 20 U.S.C. 1232g, as
4 5 amended; or any employment records maintained by a covered
4 6 entity, as defined under the Health Insurance Portability and
4 7 Accountability Act, in its role as an employer.

4 8 24. "Provider" means a hospital, physician clinic, pharmacy,
4 9 laboratory, health service provider, or other person that is
4 10 licensed, certified, or otherwise authorized or permitted
4 11 by law to administer health care in the ordinary course of
4 12 business or in the practice of a profession, or any other
4 13 person or organization that furnishes, bills, or is paid for
4 14 health care in the normal course of business.

4 15 25. "Purchaser" means any individual, employer, or
4 16 organization that purchases health insurance or services and
4 17 includes intermediaries.

4 18 26. "Vendor" means a person or organization that provides
4 19 or proposes to provide goods or services to the department
4 20 pursuant to a contract, but does not include an employee of the
4 21 state, a retailer, or a state agency or instrumentality.

4 22 Sec. 3. NEW SECTION. 135D.3 Iowa e=health established ====
4 23 guiding principles, goals, domains.

4 24 1. Iowa e=health is established as a public=private,
4 25 multi=stakeholder collaborative. The purpose of Iowa e=health
4 26 is to develop, administer, and sustain the health information
4 27 exchange to improve the quality, safety, and efficiency of
4 28 health care available to Iowans.

4 29 2. Iowa e=health shall manage and operate the health
4 30 information exchange. Nothing in this chapter shall be
4 31 interpreted to impede or preclude the formation and operation
4 32 of regional, population=specific, or local health information
4 33 exchanges or their participation in the health information
4 34 exchange.

4 35 3. Iowa e=health shall facilitate the exchange of health



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5 1 information for prevention and treatment purposes to help
5 2 providers make the best health care decisions for patients and
5 3 to provide patients with continuity of care regardless of the
5 4 provider the patient visits.
5 5 4. The guiding principles of Iowa e=health include all of
5 6 the following:
5 7 a. To engage in a collaborative, public=private,
5 8 multi=stakeholder effort including providers, payers,
5 9 purchasers, governmental entities, educational institutions,
5 10 and consumers.
5 11 b. To create a sustainable health information exchange which
5 12 makes information available when and where it is needed.
5 13 c. To ensure the health information exchange incorporates
5 14 provider priorities and appropriate participant education.
5 15 d. To instill confidence in consumers that their health
5 16 information is secure, private, and accessed appropriately.
5 17 e. To build on smart practices and align with federal
5 18 standards to ensure interoperability within and beyond the
5 19 state.
5 20 5. The goals of Iowa e=health include all of the following:
5 21 a. To build awareness and trust of health information
5 22 technology through communication and outreach to providers and
5 23 consumers.
5 24 b. To safeguard privacy and security of health information
5 25 shared electronically between participants through the health
5 26 information exchange so that the health information is secure,
5 27 private, and accessed only by authorized individuals and
5 28 entities.
5 29 c. To promote statewide deployment and use of electronic
5 30 health records.
5 31 d. To enable the electronic exchange of health information.
5 32 e. To advance coordination of activities across state and
5 33 federal governments.
5 34 f. To establish a governance model for the health
5 35 information exchange.



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6 1 g. To establish sustainable business and technical
6 2 operations for the health information exchange.
6 3 h. To secure financial resources to develop and sustain the
6 4 health information exchange.
6 5 i. To monitor and evaluate health information technology
6 6 progress and outcomes.
6 7 6. Iowa e=health shall include the following five domains:
6 8 a. Governance. Iowa e=health shall be governed by a board
6 9 of directors whose members represent stakeholders such as
6 10 provider organizations and associations, providers, payers,
6 11 purchasers, governmental entities, business, and consumers.
6 12 Iowa e=health shall be supported by the department's office of
6 13 health information technology. The board shall set direction,
6 14 goals, and policies for Iowa e=health and provide oversight of
6 15 the business and technical operations of the health information
6 16 exchange and health information exchange services.
6 17 b. Business and technical operations. The office of health
6 18 information technology shall perform day=to=day operations
6 19 to support and advance Iowa e=health, the health information
6 20 exchange, and health information exchange services.
6 21 c. Finance. Iowa e=health shall identify and manage
6 22 financial resources to achieve short=term and long=term
6 23 sustainability of the health information exchange, so that the
6 24 health information exchange is financed by all who benefit
6 25 from the improved quality, efficiency, and other benefits that
6 26 result from the use of health information technology.
6 27 d. Technical infrastructure. Iowa e=health shall implement
6 28 and manage the core infrastructure and standards to enable the
6 29 safe and secure delivery of health information to providers and
6 30 consumers through the health information exchange.
6 31 e. Legal and policy. Iowa e=health shall establish privacy
6 32 and security policies and guidelines, and participation and
6 33 data sharing agreements, to protect consumers and enforce rules
6 34 for utilization of the health information exchange.
6 35 Sec. 4. NEW SECTION. 135D.4 Governance ==== board of



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7 1 directors ==== advisory council.
7 2 1. Iowa e=health shall be governed by a board of directors.
7 3 Board members shall be residents of the state of Iowa.
7 4 Notwithstanding sections 69.16 and 69.16A, the persons
7 5 specified to appoint or designate board members shall consider
7 6 gender balance and geographic representation in the appointment
7 7 process.
7 8 2. The board of directors shall be comprised of the
7 9 following voting members:
7 10 a. Three members appointed by the governor subject to
7 11 confirmation by the senate, with one member representing
7 12 consumers, one member representing small business interests,
7 13 and one member representing large business interests.
7 14 b. Four members who are the chief information officer, or a
7 15 designee, of each of the four largest health care systems in
7 16 the state.
7 17 c. One member who represents rural hospitals and is a
7 18 member of the Iowa hospital association, designated by the Iowa
7 19 hospital association.
7 20 d. Two members who represent two different private health
7 21 insurance carriers, designated by the federation of Iowa
7 22 insurers, one of which has the largest health market share in
7 23 Iowa.
7 24 e. One member representing the department who is the deputy
7 25 director.
7 26 f. One member representing the Iowa Medicaid enterprise who
7 27 is the Iowa Medicaid director or the director's designee.
7 28 g. One member who is a licensed practicing physician in
7 29 an office or clinic setting, designated by the Iowa medical
7 30 society.
7 31 h. One member who is a licensed practicing physician in an
7 32 office or clinic setting, designated by the Iowa osteopathic
7 33 medical association.
7 34 i. One member who is a licensed practicing nurse in an
7 35 office or clinic setting, designated by the Iowa nurses



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8 1 association.
8 2 j. One member who is a licensed pharmacist practicing in a
8 3 pharmacy setting, designated by the Iowa pharmacy association.
8 4 k. One member representing the Iowa collaborative safety net
8 5 provider network created in section 135.153, designated by the
8 6 network.
8 7 l. One member representing substance abuse and mental health
8 8 programs, designated by the Iowa behavioral health association.
8 9 m. One at-large board member, who may be appointed by and at
8 10 the sole discretion of the board.
8 11 3. A person shall not serve on the board in any capacity if
8 12 the person is required to register as a lobbyist under section
8 13 68B.36 because of the person's activities for compensation
8 14 on behalf of a profession or an entity that is engaged in
8 15 providing health care, reviewing or analyzing health care,
8 16 paying for health care services or procedures, or providing
8 17 health information technology or health information exchange
8 18 services.
8 19 4. a. Board members shall serve four-year terms but shall
8 20 not serve more than two consecutive four-year terms. However,
8 21 the board members who are the four chief information officers
8 22 of the four largest health care systems in the state and those
8 23 representing state agencies are not subject to term limits.
8 24 b. At the end of any term, a member of the board may
8 25 continue to serve until the appointing or designating authority
8 26 names a successor.
8 27 c. A vacancy on the board shall be filled for the remainder
8 28 of the term in the manner of the original appointment. A
8 29 vacancy in the membership of the board shall not impair the
8 30 right of the remaining members to exercise all the powers and
8 31 perform all the duties of the board.
8 32 d. A board member may be removed by the board for cause
8 33 including but not limited to malfeasance in office, failure
8 34 to attend board meetings, misconduct, or violation of ethical
8 35 rules and standards. Nonattendance of board members appointed



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9 1 by the governor shall be governed by the provisions of section
9 2 69.15. A board member may be removed by a vote of the board if,
9 3 based on the criteria provided in section 69.15, subsection 1,
9 4 paragraphs "a" and "b", the board member would be deemed to have
9 5 submitted a resignation from the board.

9 6 e. The board members shall elect a chairperson from
9 7 their membership. The deputy director shall serve as vice
9 8 chairperson.

9 9 5. Meetings of the board shall be governed by the provisions
9 10 of chapter 21.

9 11 a. The board shall meet upon the call of the chairperson
9 12 or the vice chairperson. Notice of the time and place of each
9 13 board meeting shall be given to each member. The board shall
9 14 keep accurate and complete records of all of its meetings.

9 15 b. A simple majority of the members shall constitute a
9 16 quorum to enable the transaction of any business and for the
9 17 exercise of any power or function of the board. Action may be
9 18 taken and motions and resolutions adopted by the affirmative
9 19 vote of a majority of the members attending the meeting whether
9 20 in person, by telephone, web conference, or other means. A
9 21 board member shall not vote by proxy or through a delegate.

9 22 c. All board members shall be entitled to reimbursement
9 23 for actual and necessary expenses incurred in the performance
9 24 of their official duties as members in accordance with state
9 25 rules and guidelines. A person who serves as a member of the
9 26 board shall not by reason of such membership be entitled to
9 27 membership in the Iowa public employees' retirement system or
9 28 service credit for any public retirement system.

9 29 6. The board may exercise its powers, duties, and functions
9 30 as prescribed by law, independently of the director except in
9 31 matters involving violation or risk of violation of applicable
9 32 state or federal laws and regulations; overriding public policy
9 33 or public safety concerns; or compliance with the office of the
9 34 national coordinator for health information technology state
9 35 health information exchange cooperative agreement program or



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10 1 any other cooperative agreement programs or grants supporting
10 2 Iowa e=health. The board has all powers incidental or
10 3 necessary to accomplish the purposes of this chapter and shall
10 4 do all of the following:

10 5 a. Participate in the selection of the executive director
10 6 and assist in the development of performance standards and
10 7 evaluations of the executive director.

10 8 b. Establish priorities among health information exchange
10 9 services based on the needs of the population of this state.

10 10 c. Establish by rule any fees, charges, costs, or expenses
10 11 that may be collected as the board deems necessary to operate,
10 12 maintain, support, and sustain the health information exchange
10 13 and health information exchange services.

10 14 d. Oversee the handling and accounting of assets and moneys
10 15 received for or generated by the health information exchange.

10 16 e. Establish committees and workgroups as needed.

10 17 f. Review and approve or disapprove all of the following,
10 18 as proposed by the department:

10 19 (1) Strategic, operational, and financial sustainability
10 20 plans for Iowa e=health, the health information exchange, and
10 21 health information exchange services.

10 22 (2) Standards, requirements, policies, and procedures for
10 23 access, use, secondary use, and privacy and security of health
10 24 information exchanged through the health information exchange,
10 25 consistent with applicable federal and state standards and
10 26 laws.

10 27 (3) Policies and procedures for administering the
10 28 infrastructure, technology, and associated professional
10 29 services necessary for the business and technical operation of
10 30 the health information exchange and health information exchange
10 31 services.

10 32 (4) Policies and procedures for evaluation of the health
10 33 information exchange and health information exchange services.

10 34 (5) Mechanisms for periodic review and update of policies
10 35 and procedures.



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11 1 (6) An annual budget and fiscal report for the operations of
11 2 the health information exchange and an annual report for Iowa
11 3 e=health and health information exchange services.

11 4 (7) Major purchases of goods and services.

11 5 g. Adopt administrative rules pursuant to chapter 17A
11 6 to implement this chapter and relating to the management
11 7 and operation of the health information exchange and health
11 8 information exchange services.

11 9 h. Adopt rules for monitoring and enforcement of,
11 10 and sanctions for actions including but not limited to
11 11 noncompliance with health information exchange standards,
11 12 requirements, policies, and procedures; and violation of
11 13 applicable laws.

11 14 i. Have all remedies allowed by law to address any violation
11 15 of the terms of the participation and data sharing agreement.

11 16 j. Perform any and all other activities in furtherance of
11 17 its purpose.

11 18 7. a. A board member is subject to chapter 68B, the rules
11 19 adopted by the Iowa ethics and campaign disclosure board, and
11 20 the ethics rules and requirements that apply to the executive
11 21 branch of state government.

11 22 b. A board member shall not participate in any matter
11 23 before the board in which the board member has a direct or
11 24 indirect interest in an undertaking that places the board
11 25 member's personal or business interests in conflict with those
11 26 of Iowa e=health, including but not limited to an interest in
11 27 a procurement contract, or that may create the appearance of
11 28 impropriety.

11 29 8. Advisory council.

11 30 a. An advisory council to the board is established
11 31 to provide an additional mechanism for obtaining broader
11 32 stakeholder advice and input regarding health information
11 33 technology, the health information exchange, and health
11 34 information exchange services.

11 35 b. The members of the advisory council shall be appointed



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12 1 by the board for two=year staggered terms and shall include a
12 2 representative of all of the following:
12 3 (1) The state board of health.
12 4 (2) Informaticists.
12 5 (3) Academics.
12 6 (4) The Iowa Medicare quality improvement organization.
12 7 (5) The state chief information officer.
12 8 (6) The private telecommunications industry.
12 9 (7) The Iowa collaborative safety net provider network.
12 10 (8) The department of human services.
12 11 (9) Des Moines university.
12 12 (10) The Iowa health care collaborative.
12 13 (11) The department of veterans affairs.
12 14 (12) Consumers.
12 15 (13) Home health care providers.
12 16 (14) Long=term care providers.
12 17 (15) The state hygienic laboratory.
12 18 c. The board may change the membership and the composition
12 19 of the advisory council, by rule, to accommodate changes in
12 20 stakeholder interests and the evolution of health information
12 21 technology, the health information exchange, and health
12 22 information exchange services.
12 23 d. Advisory council members shall be entitled to
12 24 reimbursement for actual and necessary expenses incurred in the
12 25 performance of their official duties as members in accordance
12 26 with state rules and guidelines.
12 27 Sec. 5. NEW SECTION. 135D.5 Business and technical
12 28 operations ==== office of health information technology.
12 29 1. The office of health information technology is
12 30 established within the department and shall be responsible for
12 31 the day=to=day business and operations of Iowa e=health, the
12 32 health information exchange, and health information exchange
12 33 services. The office shall be under the direction of the
12 34 director and under the supervision of the deputy director.
12 35 2. a. The department shall employ an executive director to



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- 13 1 manage the office and who shall report to the deputy director.
13 2 b. The executive director shall manage the planning and
13 3 implementation of Iowa e=health, the health information
13 4 exchange, and health information exchange services, and provide
13 5 high=level coordination across public and private sector
13 6 stakeholders.
13 7 c. The executive director shall serve as Iowa's health
13 8 information technology coordinator and primary point of
13 9 contact for the office of the national coordinator for health
13 10 information technology, other federal and state agencies
13 11 involved in health information technology, and state health
13 12 information technology coordinators from other states.
13 13 3. a. The executive director and all other employees of
13 14 the office shall be employees of the state, classified and
13 15 compensated in accordance with chapter 8A, subchapter IV, and
13 16 chapter 20.
13 17 b. Subject to approval of the board, the director shall
13 18 have the sole power to determine the number of full=time and
13 19 part=time equivalent positions necessary to carry out the
13 20 provisions of this chapter.
13 21 c. An employee of the office shall not have a financial
13 22 interest in any vendor doing business or proposing to do
13 23 business with Iowa e=health.
13 24 4. The department shall do all of the following:
13 25 a. Develop, implement, and enforce the following, as
13 26 approved by the board:
13 27 (1) Strategic, operational, and financial sustainability
13 28 plans for the health information exchange, Iowa e=health, and
13 29 health information exchange services.
13 30 (2) Standards, requirements, policies, and procedures for
13 31 access, use, secondary use, and privacy and security of health
13 32 information exchanged through the health information exchange,
13 33 consistent with applicable federal and state standards and
13 34 laws.
13 35 (3) Policies and procedures for monitoring participant



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14 1 usage of the health information exchange and health information
14 2 exchange services; enforcing noncompliance with health
14 3 information exchange standards, requirements, policies,
14 4 procedures, and violations of applicable law; and imposing
14 5 sanctions.
14 6 (4) Policies and procedures for administering the
14 7 infrastructure, technology, and associated professional
14 8 services required for operation of the health information
14 9 exchange and health information exchange services.
14 10 (5) Policies and procedures for evaluation of the health
14 11 information exchange and health information exchange services.
14 12 (6) A mechanism for periodic review and update of policies
14 13 and procedures.
14 14 (7) An annual budget and fiscal report for the business
14 15 and technical operations of the health information exchange
14 16 and an annual report for Iowa e=health, the health information
14 17 exchange, and health information exchange services.
14 18 b. Convene and facilitate board, advisory council,
14 19 workgroup, committee, and other stakeholder meetings.
14 20 c. Provide technical and operational assistance for
14 21 planning and implementing Iowa e=health activities, the health
14 22 information exchange, and health information exchange services.
14 23 d. Provide human resource, budgeting, project and
14 24 activity coordination, and related management functions to
14 25 Iowa e=health, the health information exchange, and health
14 26 information exchange services.
14 27 e. Develop educational materials and educate the general
14 28 public on the benefits of electronic health records, the health
14 29 information exchange, and the safeguards available to prevent
14 30 unauthorized disclosure of health information.
14 31 f. Enter into participation and data sharing agreements with
14 32 participants of the health information exchange.
14 33 g. Administer and enforce the collection of fees, charges,
14 34 costs, and expenses for the health information exchange and
14 35 health information exchange services.



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15 1 h. Record receipts and approval of payments, and file
15 2 required financial reports.

15 3 i. Apply for, acquire by gift or purchase, and hold,
15 4 dispense, or dispose of funds and real or personal property
15 5 from any person, governmental entity, or organization in
15 6 the exercise of its powers and performance of its duties in
15 7 accordance with this chapter.

15 8 j. Administer grant funds in accordance with the terms of
15 9 the grant and all applicable state and federal laws, rules, and
15 10 regulations.

15 11 k. Select and contract with vendors in compliance with
15 12 applicable state and federal procurement laws and regulations.

15 13 l. Coordinate with other health information technology and
15 14 health information exchange programs and activities.

15 15 m. Work to align interstate and intrastate interoperability
15 16 and standards in accordance with national health information
15 17 exchange standards.

15 18 n. Execute all instruments necessary or incidental to the
15 19 performance of its duties and the execution of its powers.

15 20 Sec. 6. NEW SECTION. 135D.6 Iowa e=health finance fund.

15 21 1. The Iowa e=health finance fund is created as a separate
15 22 fund within the state treasury under the control of the board.
15 23 Fees collected or revenues arising from the operation and
15 24 administration of the health information exchange and health
15 25 information exchange services, including but not limited to
15 26 fees and charges for participants of the health information
15 27 exchange, donations, gifts, interest, or other moneys, shall be
15 28 deposited into the fund. Funds generated from fees collected
15 29 and revenues generated from the health information exchange
15 30 shall be used to establish, operate, and sustain the health
15 31 information exchange and health information exchange services.

15 32 2. Moneys in the fund shall be expended by the department
15 33 only on activities and operations suitable to the performance
15 34 of the department's duties on behalf of the board and Iowa
15 35 e=health as specified in this chapter, subject to board



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16 1 approval. Disbursements may be made from the fund for purposes
16 2 related to the administration, management, operations,
16 3 functions, activities, and sustainability of the health
16 4 information exchange and health information exchange services.
16 5 3. Notwithstanding section 12C.7, subsection 2, earnings or
16 6 interest on moneys deposited in the fund shall be credited to
16 7 the fund. Notwithstanding section 8.33, any unexpended balance
16 8 in the fund at the end of each fiscal year shall be retained in
16 9 the fund and shall not be transferred to the general fund of
16 10 the state.
16 11 4. The moneys in the fund shall be subject to financial and
16 12 compliance audits by the auditor of state.
16 13 5. The general assembly may appropriate moneys in the fund
16 14 to the department on behalf of Iowa e=health for the health
16 15 information exchange and health information exchange services.
16 16 Sec. 7. NEW SECTION. 135D.7 Technical infrastructure.
16 17 1. The health information exchange shall provide a
16 18 mechanism to facilitate and support the secure electronic
16 19 exchange of health information between participants. The
16 20 health information exchange shall not function as a central
16 21 repository of all health information.
16 22 2. The health information exchange shall provide a
16 23 mechanism for participants without an electronic health record
16 24 system to access health information from the health information
16 25 exchange.
16 26 3. The technical infrastructure of the health information
16 27 exchange shall be designed to facilitate the secure electronic
16 28 exchange of health information using functions including but
16 29 not limited to all of the following:
16 30 a. A master patient index, in the absence of a single,
16 31 standardized patient identifier, to exchange secure health
16 32 information among participants.
16 33 b. A record locator service to locate and exchange secure
16 34 health information among participants.
16 35 c. Authorization, authentication, access, and auditing



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17 1 processes for security controls to protect the privacy of
17 2 consumers and participants and the confidentiality of health
17 3 information by limiting access to the health information
17 4 exchange and health information to participants whose identity
17 5 has been authenticated, and whose access to health information
17 6 is limited by their role and recorded through an audit trail.
17 7 d. Electronic transmission procedures and software necessary
17 8 to facilitate the electronic exchange of various types of
17 9 health information through the health information exchange.
17 10 e. Telecommunications through coordination of public
17 11 and private networks to provide the backbone infrastructure
17 12 to connect participants exchanging health information. The
17 13 networks may include but are not limited to the state-owned
17 14 communications network, other fiber optic networks, and private
17 15 telecommunications service providers.
17 16 4. The state shall own or possess the rights to use all
17 17 processes and software developed, and hardware installed,
17 18 leased, designed, or purchased for the health information
17 19 exchange, and shall permit participants to use the health
17 20 information exchange and health information exchange services
17 21 in accordance with the standards, policies, procedures, rules,
17 22 and regulations approved by the board, and the terms of the
17 23 participation and data sharing agreement.
17 24 Sec. 8. NEW SECTION. 135D.8 Legal and policy.
17 25 1. Upon approval from the board, the office of health
17 26 information technology shall establish appropriate security
17 27 standards, policies, and procedures to protect the transmission
17 28 and receipt of individually identifiable health information
17 29 exchanged through the health information exchange. The
17 30 security standards, policies, and procedures shall, at a
17 31 minimum, comply with the Health Insurance Portability and
17 32 Accountability Act security rule pursuant to 45 C.F.R. pt. 164,
17 33 subpt. C, and shall reflect all of the following:
17 34 a. Include authorization controls, including the
17 35 responsibility to authorize, maintain, and terminate a



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18 1 participant's use of the health information exchange.
18 2 b. Require authentication controls to verify the identity
18 3 and role of the participant using the health information
18 4 exchange.
18 5 c. Include role-based access controls to restrict
18 6 functionality and information available through the health
18 7 information exchange.
18 8 d. Include a secure and traceable electronic audit system
18 9 to document and monitor the sender and the recipient of health
18 10 information exchanged through the health information exchange.
18 11 e. Require standard participation and data sharing
18 12 agreements which define the minimum privacy and security
18 13 obligations of all participants using the health information
18 14 exchange and health information exchange services.
18 15 f. Include controls over access to and the collection,
18 16 organization, and maintenance of records and data for
18 17 purposes of research or population health that protect the
18 18 confidentiality of consumers who are the subject of the health
18 19 information.
18 20 2. a. A patient shall have the opportunity to decline
18 21 exchange of their health information through the health
18 22 information exchange. The board shall provide by rule the
18 23 means and process by which patients may decline participation.
18 24 b. Unless otherwise authorized by law or rule, a patient's
18 25 decision to decline participation means that none of the
18 26 patient's health information shall be exchanged through the
18 27 health information exchange. If a patient does not decline
18 28 participation, the patient's health information may be
18 29 exchanged through the health information exchange except as
18 30 follows:
18 31 (1) If health information associated with a patient
18 32 visit with a provider is protected by state law that is
18 33 more restrictive than the Health Insurance Portability and
18 34 Accountability Act, a patient shall have the right to decline
18 35 sharing of health information through the health information



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19 1 exchange from such visit as provided by rule.

19 2 (2) With the consent of the patient, a provider may
19 3 limit health information associated with a patient visit
19 4 from being shared through the health information exchange if
19 5 such limitation is reasonably determined by the provider, in
19 6 consultation with the patient, to be in the best interest of
19 7 the patient as provided by rule.

19 8 c. A patient who declines participation in the health
19 9 information exchange may later decide to have health
19 10 information shared through the health information exchange. A
19 11 patient who is participating in the health information exchange
19 12 may later decline participation in the health information
19 13 exchange.

19 14 3. The office shall develop and distribute educational
19 15 tools and information for consumers, patients, and providers to
19 16 inform them about the health information exchange, including
19 17 but not limited to the safeguards available to prevent
19 18 unauthorized disclosure of health information and a patient's
19 19 right to decline participation in the health information
19 20 exchange.

19 21 4. a. A participant shall not release or use protected
19 22 health information exchanged through the health information
19 23 exchange for purposes unrelated to prevention, treatment,
19 24 payment, or health care operations unless otherwise authorized
19 25 or required by law. Participants shall limit the use and
19 26 disclosure of protected health information to the minimum
19 27 amount required to accomplish the intended purpose of the use
19 28 or request, in compliance with the Health Insurance Portability
19 29 and Accountability Act and other applicable federal law. Use
19 30 or distribution of the information for a marketing purpose, as
19 31 defined by the Health Insurance Portability and Accountability
19 32 Act, is strictly prohibited.

19 33 b. The department, the office, and all persons using the
19 34 health information exchange shall be individually responsible
19 35 for following breach notification policies as provided by the



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20 1 Health Insurance Portability and Accountability Act.
20 2 c. A provider shall not be compelled by subpoena, court
20 3 order, or other process of law to access health information
20 4 through the health information exchange in order to gather
20 5 records or information not created by the provider.
20 6 5. a. If a patient has declined participation in the health
20 7 information exchange, the patient's health information may be
20 8 released to a provider through the health information exchange
20 9 if all of the following circumstances exist:
20 10 (1) The patient is unable to provide consent due to
20 11 incapacitation.
20 12 (2) The requesting provider believes, in good faith, that
20 13 the information is necessary to prevent imminent serious injury
20 14 to the patient. Imminent serious injury includes but it not
20 15 limited to death, injury or disease that creates a substantial
20 16 risk of death, or injury or disease that causes protracted loss
20 17 or impairment of any organ or body system.
20 18 (3) Such information cannot otherwise be readily obtained.
20 19 b. The department shall provide by rule for the reporting of
20 20 emergency access and use by a provider.
20 21 6. All participants exchanging health information and
20 22 data through the health information exchange shall grant to
20 23 participants of the health information exchange a nonexclusive
20 24 license to retrieve and use that information or data in
20 25 accordance with applicable state and federal laws, and the
20 26 policies, procedures, and rules established by the board.
20 27 7. The department shall establish by rule the procedures for
20 28 a patient who is the subject of health information to do all of
20 29 the following:
20 30 a. Receive notice of a violation of the confidentiality
20 31 provisions required under this chapter.
20 32 b. Upon request to the department, view an audit report
20 33 created under this chapter for the purpose of monitoring access
20 34 to the patient's records.
20 35 8. a. A provider who relies in good faith upon any health



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21 1 information provided through the health information exchange in
21 2 treatment of a patient shall be immune from criminal or civil
21 3 liability arising from any damages caused by such good faith
21 4 reliance. Such immunity shall not apply to acts or omissions
21 5 constituting gross negligence, recklessness, or intentional
21 6 misconduct.

21 7 b. A participant that has disclosed health information
21 8 through the health information exchange in compliance with
21 9 applicable law and the standards, requirements, policies,
21 10 procedures, and agreements of the health information exchange
21 11 shall not be subject to criminal or civil liability for the use
21 12 or disclosure of the health information by another participant.

21 13 9. a. Notwithstanding chapter 22, the following records
21 14 shall be kept confidential, unless otherwise ordered by a court
21 15 or consented to by the patient or by a person duly authorized
21 16 to release such information:

21 17 (1) The protected health information contained in, stored
21 18 in, submitted to, transferred or exchanged by, or released from
21 19 the health information exchange.

21 20 (2) Any protected health information in the possession of
21 21 Iowa e=health or the department due to its administration of
21 22 the health information exchange.

21 23 b. Unless otherwise provided in this chapter, when using
21 24 the health information exchange for the purpose of patient
21 25 treatment, a provider is exempt from any other state law that
21 26 is more restrictive than the Health Insurance Portability and
21 27 Accountability Act that would otherwise prevent or hinder the
21 28 exchange of patient information by the patient's providers.

21 29 Sec. 9. NEW SECTION. 135D.9 Iowa e=health === health
21 30 information exchange services.

21 31 Iowa e=health shall facilitate services through the health
21 32 information exchange or through other marketplace mechanisms
21 33 to improve the quality, safety, and efficiency of health care
21 34 available to consumers. These services shall include but are
21 35 not limited to all of the following:



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22 1 1. Patient summary records such as continuity of care
22 2 documents.
22 3 2. A provider directory and provider messaging.
22 4 3. Clinical orders and results.
22 5 4. Public health reporting such as electronic reporting to
22 6 the statewide immunization registry and reportable diseases.
22 7 5. Medication history.
22 8 Sec. 10. NEW SECTION. 135D.10 Governance review and
22 9 transition.
22 10 1. a. The Iowa e=health governance structure shall
22 11 continue during the term of the state health information
22 12 exchange cooperative agreement with the office of the national
22 13 coordinator for health information technology to address
22 14 the development of policies and procedures; dissemination
22 15 of interoperability standards; the initiation, testing, and
22 16 operation of the health information exchange infrastructure;
22 17 and the evolution of health information exchange services to
22 18 improve patient care for the population.
22 19 b. During the final year of the term of the cooperative
22 20 agreement, the board and the department shall review the
22 21 Iowa e=health governance structure, operations of the health
22 22 information exchange, and the business and sustainability plan
22 23 to determine if the existing Iowa e=health governance structure
22 24 should continue or should be replaced by any of the following:
22 25 (1) A public authority or similar body with broad
22 26 stakeholder representation on its governing board.
22 27 (2) A not=for=profit entity with broad stakeholder
22 28 representation on its governing board.
22 29 2. If the board and department determine that the governance
22 30 structure should be replaced, Iowa e=health shall develop
22 31 a transition plan to transfer the responsibilities for the
22 32 domains specified in section 135D.3.
22 33 Sec. 11. Section 136.3, subsection 14, Code 2011, is amended
22 34 to read as follows:
22 35 14. Perform those duties authorized pursuant to sections



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23 1 ~~135.156~~, 135.159, and 135.161, and other provisions of law.

23 2 Sec. 12. Section 249J.14, subsection 2, paragraphs a and b,
23 3 Code 2011, are amended to read as follows:

23 4 a. Design and implement a program for distribution
23 5 and monitoring of provider incentive payments, including
23 6 development of a definition of "meaningful use" for purposes
23 7 of promoting the use of electronic medical recordkeeping by
23 8 providers. The department shall develop this program in
23 9 collaboration with the department of public health and the
23 10 ~~electronic health information advisory council and executive~~
~~23 11 committee~~ board of directors and the advisory council to the
23 12 board of Iowa e=health created pursuant to section 135.156
~~23 13~~ 135D.4.

23 14 b. Develop the medical assistance health information
23 15 technology plan as required by the centers for Medicare and
23 16 Medicaid services of the United States department of health and
23 17 human services. The plan shall provide detailed implementation
23 18 plans for the medical assistance program for promotion of the
23 19 adoption and meaningful use of health information technology by
23 20 medical assistance providers and the Iowa Medicaid enterprise.
23 21 The plan shall include the integration of health information
23 22 technology and health information exchange with the medical
23 23 assistance management information system. The plan shall be
23 24 developed in collaboration with the department of public health
23 25 and the ~~electronic health information advisory council and~~
~~23 26 executive committee~~ board of directors and the advisory council
23 27 to the board of Iowa e=health created pursuant to section
23 28 ~~135.156~~ 135D.4.

23 29 Sec. 13. INITIAL APPOINTMENTS ==== BOARD.

23 30 1. The initial appointments of board member positions
23 31 described in section 135D.4, as enacted by this Act, shall have
23 32 staggered terms as follows:

23 33 a. The three board members appointed by the governor shall
23 34 have an initial term of two years, after which the members
23 35 shall serve four=year terms, subject to the following:



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24 1 (1) The terms shall begin and end as provided in section
24 2 69.19.
24 3 (2) Board members appointed by the governor when the senate
24 4 is not in session shall serve only until the end of the next
24 5 regular session of the general assembly, unless and until
24 6 confirmed by the senate.
24 7 b. The board member designated by the Iowa pharmacy
24 8 association and the at=large board member, if appointed by the
24 9 board, shall have initial terms of two years, after which the
24 10 members shall serve four=year terms.
24 11 c. The board members designated by the Iowa hospital
24 12 association, the Iowa medical society, the Iowa osteopathic
24 13 medical association, the Iowa nurses association, the Iowa
24 14 collaborative safety net provider network, and the Iowa
24 15 behavioral health association shall have initial terms of four
24 16 years, after which the members shall serve four=year terms.
24 17 d. The board members designated by the federation of Iowa
24 18 insurers shall serve initial terms of six years, after which
24 19 the members shall serve four=year terms.
24 20 2. With the exception of members not subject to term limits
24 21 as provided in section 135D.4, board members may serve an
24 22 additional four=year term, with the exception of those board
24 23 members initially serving a two=year term, who may serve two
24 24 consecutive four=year terms following the initial two=year
24 25 term.
24 26 Sec. 14. REPEAL. Sections 135.154, 135.155, and 135.156,
24 27 Code 2011, are repealed.
24 28 Sec. 15. TRANSITION PROVISIONS. Notwithstanding any other
24 29 provision of this Act, the department of public health, and the
24 30 executive committee and the advisory council created pursuant
24 31 to section 135.156, shall continue to exercise the powers
24 32 and duties specified under that section until such time as
24 33 all board members have been appointed as provided in section
24 34 135D.4, as enacted by this Act.
24 35 Sec. 16. EFFECTIVE DATE. The sections of this Act repealing



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25 1 sections 135.154, 135.155, and 135.156, and amending sections
25 2 136.3 and 249J.14, take effect on the date all board members
25 3 are appointed as provided in section 135D.4, as enacted by this
25 4 Act. The department of public health shall notify the Code
25 5 editor of such date.

25 6 Sec. 17. EFFECTIVE UPON ENACTMENT. Except as otherwise
25 7 provided in this Act, this Act, being deemed of immediate
25 8 importance, takes effect upon enactment.

25 9 EXPLANATION

25 10 This bill relates to health information technology. The
25 11 bill provides legislative intent and findings and definitions
25 12 for the new Code chapter 135D.

25 13 The bill provides for the establishment of Iowa e=health
25 14 as a public=private, multi=stakeholder collaborative to
25 15 develop, administer, and sustain an exclusive statewide health
25 16 information exchange; provides principles and goals of Iowa
25 17 e=health; and describes the five domains that provide for the
25 18 structuring of Iowa e=health.

25 19 The bill provides for the governance of Iowa e=health.
25 20 The bill establishes a board of directors representing
25 21 consumers, business, health care provider associations and
25 22 providers, payers, and state government. The bill provides
25 23 for appointment of members, terms of service, restrictions
25 24 for membership, powers of the board, board meetings, and
25 25 provisions relating to ethics and conflicts of interest. The
25 26 bill also directs the board to appoint an advisory council,
25 27 specifies the membership of the advisory council, and allows
25 28 the board to change the number and composition of the members
25 29 of the advisory council by rule based upon the changes in
25 30 and evolution of health information technology, the health
25 31 information exchange, and the services provided.

25 32 The bill provides for the establishment of an office of
25 33 health information technology in the department of public
25 34 health, provides that the office is to be managed by an
25 35 executive director, and specifies the duties of the department



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26 1 relative to the office.

26 2 The bill creates an Iowa e=health finance fund within
26 3 the state treasury, under the control of the board. All
26 4 fees collected or revenues arising from the operation and
26 5 administration of the health information exchange and its
26 6 services are to be deposited into the fund and the funds
26 7 are to be used to establish, operate, and sustain the health
26 8 information exchange and its services.

26 9 The bill specifies the technical infrastructure of the
26 10 health information exchange to be designed to facilitate the
26 11 secure electronic exchange of health information. The bill
26 12 provides that the state has ownership or possesses the rights
26 13 to use all processes and software developed, and hardware
26 14 installed, designed, leased, or purchased for the health
26 15 information exchange.

26 16 The bill directs the office, with approval from the board,
26 17 to establish appropriate security standards, policies,
26 18 and procedures to protect the transmission and receipt
26 19 of individually identifiable health information exchanged
26 20 through the health information exchange and provides that each
26 21 patient may choose to decline participation in the health
26 22 information exchange, but may later choose to participate
26 23 or, if the patient initially participates, may later decline
26 24 to participate. The bill provides that participants shall
26 25 grant to participants of the health information exchange a
26 26 nonexclusive license to retrieve and use that information and
26 27 data in accordance with applicable laws, rules, regulations,
26 28 and policies.

26 29 The bill provides for immunity from civil and criminal
26 30 liability arising from any damages caused by good faith
26 31 reliance on health information provided through the health
26 32 information exchange, but does not protect the provider from
26 33 acts or omissions constituting gross negligence, recklessness,
26 34 or intentional misconduct. A participant who discloses
26 35 health information through the health information exchange



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27 1 in compliance with laws, rules, regulations, policies, and
27 2 agreements is not subject to criminal or civil liability for
27 3 the use or disclosure of the health information by another
27 4 participant.

27 5 The bill provides for sharing of information in accordance
27 6 with other laws, including Code chapter 22 (open records) and
27 7 the federal Health Insurance Portability and Accountability
27 8 Act. The bill provides for governance review and consideration
27 9 of the transition of the governing body during the final year
27 10 of the term of the cooperative agreement with the office of
27 11 the national coordinator for health information technology and
27 12 directs the board to adopt rules for implementing the Code
27 13 chapter.

27 14 The bill provides for initial staggered term appointments
27 15 to the board.

27 16 The bill takes effect upon enactment, but provides that the
27 17 executive committee and advisory council for health information
27 18 technology existing under current law are to continue until
27 19 all board members are appointed for Iowa e=health. The bill
27 20 repeals the current law when all board members are appointed
27 21 and directs the department to notify the Code editor of the
27 22 date of repeal.

LSB 1257DP (17) 84

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Senate Study Bill 1061

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON
WILHELM)

A BILL FOR

- 1 An Act relating to emergency management planning.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1826SC (2) 84
tm/nh



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1 1 Section 1. Section 29C.2, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. "Local emergency management agency" means a ~~countywide~~
1 4 joint county=municipal public agency organized to administer
1 5 this chapter under the authority of the local emergency
1 6 management commission.
1 7 Sec. 2. Section 29C.6, subsection 17, paragraph b, Code
1 8 2011, is amended to read as follows:
1 9 b. State participation in funding financial assistance under
1 10 paragraph "a" is contingent upon the local government having
1 11 on file a state=approved, comprehensive, ~~countywide~~ emergency
1 12 ~~operations~~ plan which meets the standards adopted pursuant to
1 13 section 29C.9, subsection 8.
1 14 Sec. 3. Section 29C.8, subsection 3, paragraph a, Code 2011,
1 15 is amended to read as follows:
1 16 a. Prepare a comprehensive emergency plan and emergency
1 17 management program for homeland security, disaster
1 18 preparedness, response, recovery, mitigation, emergency
1 19 operation, and emergency resource management of this state.
1 20 The plan and program shall be integrated into and coordinated
1 21 with the homeland security and emergency plans of the federal
1 22 government and of other states to the fullest possible extent
1 23 and coordinate the preparation of plans and programs for
1 24 emergency management of the political subdivisions and various
1 25 state departments of this state. The plans shall be integrated
1 26 into and coordinated with a comprehensive state homeland
1 27 security and emergency program for this state as coordinated
1 28 by the administrator of the homeland security and emergency
1 29 management division to the fullest possible extent.
1 30 Sec. 4. Section 29C.9, subsections 1, 7, and 8, Code 2011,
1 31 are amended to read as follows:
1 32 1. The county ~~boards~~ board of supervisors, city councils,
1 33 and ~~school district boards of directors~~ the sheriff in each
1 34 county shall cooperate with the homeland security and emergency
1 35 management division of the department of public defense to



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2 1 establish a local emergency management commission to carry out
2 2 the provisions of this chapter.

2 3 7. The commission shall delegate to the emergency
2 4 management coordinator the authority to fulfill the commission
2 5 duties as described in the division's administrative rules.
2 6 Each commission shall appoint a ~~county~~ local emergency
2 7 management coordinator who shall meet the qualifications
2 8 specified in the administrative rules by the administrator
2 9 of the homeland security and emergency management division.
2 10 Additional emergency management personnel may be appointed at
2 11 the discretion of the commission.

2 12 8. The commission shall develop, adopt, and submit for
2 13 approval by local governments within the ~~county~~ commission's
2 14 jurisdiction, a comprehensive ~~countywide~~ emergency operations
2 15 plan which meets standards adopted by the division in
2 16 accordance with chapter 17A. If an approved comprehensive
2 17 ~~countywide~~ emergency operations plan has not been prepared
2 18 according to established standards and the administrator
2 19 of the homeland security and emergency management division
2 20 finds that satisfactory progress is not being made toward the
2 21 completion of the plan, or if the administrator finds that a
2 22 local emergency management commission has failed to appoint
2 23 a qualified emergency management coordinator as provided in
2 24 this chapter, the administrator shall notify the governing
2 25 bodies of the counties and cities affected by the failure
2 26 and the governing bodies shall not appropriate any moneys
2 27 to the local emergency management fund until the ~~disaster~~
2 28 ~~comprehensive emergency~~ plan is prepared and approved or a
2 29 qualified emergency management coordinator is appointed. If
2 30 the administrator finds that a ~~city or a county~~ commission has
2 31 appointed an unqualified emergency management coordinator,
2 32 the administrator shall notify the ~~governing body of the city~~
2 33 ~~or county~~ commission citing the qualifications which are not
2 34 met and the ~~governing body~~ commission shall not approve the
2 35 payment of the salary or expenses of the unqualified emergency



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3 1 management coordinator.

3 2 Sec. 5. Section 29C.10, Code 2011, is amended to read as
3 3 follows:

3 4 29C.10 Emergency management coordinator.

3 5 1. The commission or joint commission shall appoint an
3 6 emergency management coordinator who shall serve at the
3 7 pleasure of the commission, ~~and~~ shall be responsible for
3 8 the development of the ~~countywide comprehensive emergency~~
3 9 ~~operations plan, coordination of~~ shall coordinate emergency
3 10 planning activities, and shall provide technical assistance to
3 11 political subdivisions ~~throughout the county comprising the~~
3 12 ~~commission or joint commission.~~

3 13 2. When an emergency or disaster occurs, the emergency
3 14 management coordinator shall provide coordination and
3 15 assistance to the governing officials of the ~~municipalities and~~
3 16 ~~the county political subdivisions comprising the commission or~~
3 17 ~~joint commission.~~

3 18 3. The ~~mayors and the board of supervisors~~ commission
3 19 or joint commission and its members shall cooperate with the
3 20 president of the United States and the heads of the armed
3 21 forces and other appropriate federal, state, and local officers
3 22 and agencies and with the officers and agencies of adjoining
3 23 states in matters pertaining to comprehensive emergency
3 24 management for ~~a city or county political subdivisions~~
3 25 ~~comprising the commission or joint commission.~~

3 26 Sec. 6. Section 29C.11, Code 2011, is amended to read as
3 27 follows:

3 28 29C.11 Local mutual aid arrangements.

3 29 1. The local emergency management ~~coordinator for each~~
3 30 ~~emergency management agency commission~~ shall, in collaboration
3 31 with other public and private agencies within this state,
3 32 develop mutual aid arrangements for reciprocal disaster
3 33 services and recovery aid and assistance in case of disaster
3 34 too great to be dealt with unassisted. The arrangements
3 35 shall be consistent with the homeland security and emergency



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4 1 management division plan and program, and in time of
4 2 emergency each local emergency management agency shall render
4 3 assistance in accordance with the provisions of the mutual aid
4 4 arrangements.

4 5 2. The emergency management ~~coordinator of each local~~
4 6 ~~emergency management agency~~ commission may, subject to the
4 7 approval of the governor, enter into mutual aid arrangements
4 8 with emergency management agencies or organizations in other
4 9 states for reciprocal emergency services and recovery aid and
4 10 assistance in case of disaster too great to be dealt with
4 11 unassisted.

4 12 Sec. 7. Section 29C.17, subsection 1, Code 2011, is amended
4 13 to read as follows:

4 14 1. A local emergency management fund is created in the
4 15 office of the county treasurer. Revenues provided and
4 16 collected shall be deposited in the fund. An unencumbered
4 17 balance in the fund shall not revert to county general
4 18 revenues. Any reimbursement, matching funds, moneys received
4 19 from sale of property, or moneys obtained from any source in
4 20 connection with the ~~county~~ local emergency management program
4 21 shall be deposited in the local emergency management fund. The
4 22 commission shall be the fiscal authority and the chairperson or
4 23 vice chairperson of the commission is the certifying official.

4 24 Sec. 8. Section 29C.17, subsection 2, unnumbered paragraph
4 25 1, Code 2011, is amended to read as follows:

4 26 For the purposes consistent with this chapter, the ~~county~~
4 27 ~~local~~ emergency management agency's approved budget may be
4 28 funded by one or any combination of the following options:

4 29 Sec. 9. Section 29C.20A, subsection 5, Code 2011, is amended
4 30 to read as follows:

4 31 5. The ~~homeland security and emergency management division~~
4 32 ~~department of human services~~ shall submit an annual report, by
4 33 January 1 of each year, to the legislative fiscal committee
4 34 and the general assembly's standing committees on government
4 35 oversight concerning the activities of the grant program in the



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5 1 previous fiscal year.

5 2 Sec. 10. Section 29C.22, subsection 1, paragraph b, Code
5 3 2011, is amended to read as follows:

5 4 b. The purpose of this compact is to provide for mutual
5 5 assistance between the participating governments entering
5 6 into this compact in managing any emergency or disaster that
5 7 is declared in accordance with a ~~countywide~~ comprehensive
5 8 emergency ~~operations~~ plan or by the governor, whether arising
5 9 from natural disaster, technological hazard, man-made disaster,
5 10 community disorder, insurgency, terrorism, or enemy attack.

5 11 Sec. 11. Section 30.2, subsection 2, paragraph b, Code 2011,
5 12 is amended to read as follows:

5 13 b. The commission members representing the departments
5 14 of workforce development, natural resources, public defense,
5 15 public safety, and transportation, a local emergency planning
5 16 committee, and one private industry representative designated
5 17 by the commission shall be voting members of the commission.
5 18 The remaining members of the commission shall serve as
5 19 nonvoting, advisory members.

5 20 Sec. 12. Section 30.9, subsections 1 and 2, Code 2011, are
5 21 amended to read as follows:

5 22 1. Comprehensive emergency ~~response~~ plans required to
5 23 be developed under section 303 of the Emergency Planning and
5 24 Community Right-to-know Act, 42 U.S.C. { 11003, shall be
5 25 submitted to the department of public defense. Committee
5 26 submission to that department constitutes compliance with the
5 27 requirement for reporting to the commission. After initial
5 28 submission, a plan need not be resubmitted unless revisions
5 29 are requested by the commission. The department of public
5 30 defense shall review the plan on behalf of the commission
5 31 and shall incorporate the provisions of the plan into its
5 32 responsibilities under chapter 29C.

5 33 2. The department of public defense shall advise the
5 34 commission of the failure of any committee to submit an
5 35 initial comprehensive emergency ~~response~~ plan or a revised plan



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6 1 requested by the commission.

6 2 EXPLANATION

6 3 This bill relates to emergency management planning.

6 4 The bill changes the name of comprehensive, countywide
6 5 emergency operations plans to comprehensive emergency plans and
6 6 makes conforming amendments.

6 7 The bill changes the entities required to work with the
6 8 homeland security and emergency management division of the
6 9 department of public defense in establishing local emergency
6 10 management commissions. Currently, the county boards of
6 11 supervisors, city councils, and school district boards of
6 12 directors are the designated entities. The bill replaces the
6 13 school district boards of directors with the sheriff.

6 14 The bill replaces references to county emergency management
6 15 coordinator with local emergency management coordinator.

6 16 The bill replaces references to political subdivisions of
6 17 a county to political subdivisions of an emergency management
6 18 commission or joint commission.

6 19 The bill replaces references to a city or county with
6 20 political subdivisions of an emergency management commission or
6 21 joint commission.

6 22 Under local mutual aid arrangements, the bill replaces the
6 23 emergency management coordinator for each emergency management
6 24 agency with the emergency management commission to perform
6 25 certain duties.

6 26 Currently, the homeland security and emergency management
6 27 division of the department of public defense has certain
6 28 annual reporting duties related to the disaster aid individual
6 29 assistance grant fund. The bill replaces the homeland security
6 30 and emergency management division with the department of human
6 31 services.

6 32 The bill makes the person representing a local emergency
6 33 planning committee on the Iowa emergency response commission a
6 34 voting member.

LSB 1826SC (2) 84

tm/nh



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Senate Study Bill 1062

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON
WILHELM)

A BILL FOR

1 An Act relating to the procedures to be followed for certain
2 county projects involving the judicial branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 331.301, subsection 10, paragraph e,
1 2 subparagraph (1), subparagraph divisions (a) and (b), Code
1 3 2011, are amended to read as follows:

1 4 (a) The board must follow substantially the authorization
1 5 procedures of section 331.443 to authorize a lease or
1 6 lease=purchase contract for personal property which is payable
1 7 from the general fund. The board must follow substantially
1 8 the authorization procedures of section 331.443 to authorize
1 9 a lease or lease=purchase contract for real property which is
1 10 payable from the general fund if the principal amount of the
1 11 lease=purchase contract does not exceed the following limits:

1 12 (i) ~~Four~~ Six hundred thousand dollars in a county having a
1 13 population of twenty=five thousand or less.

1 14 (ii) ~~Five~~ Seven hundred fifty thousand dollars in a county
1 15 having a population of more than twenty=five thousand but not
1 16 more than fifty thousand.

1 17 (iii) ~~Six~~ Nine hundred thousand dollars in a county having
1 18 a population of more than fifty thousand but not more than one
1 19 hundred thousand.

1 20 (iv) ~~Eight~~ One million two hundred thousand dollars in a
1 21 county having a population of more than one hundred thousand
1 22 but not more than two hundred thousand.

1 23 (v) One million five hundred thousand dollars in a county
1 24 having a population of more than two hundred thousand.

1 25 (b) (i) However, if the principal amount of a lease or
1 26 lease=purchase contract pursuant to this subparagraph (1) is
1 27 less than twenty=five thousand dollars, the board may authorize
1 28 the lease or lease=purchase contract without following the
1 29 authorization procedures of section 331.443.

1 30 (ii) If the board determines that at least fifty percent of
1 31 the real property to be leased or lease=purchased is to be used
1 32 or occupied by the judicial branch as referenced in section
1 33 602.1102, the board may follow the authorization procedures of
1 34 section 331.443 even if the principal amount of the lease or
1 35 lease=purchase contract exceeds the limitations in subparagraph



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2 1 division (a).

2 2 Sec. 2. Section 331.402, subsection 3, paragraph d,
2 3 subparagraph (1), Code 2011, is amended to read as follows:

2 4 (1) (a) The board shall follow substantially the
2 5 authorization procedures of section 331.443 to authorize a
2 6 loan agreement for personal property which is payable from
2 7 the general fund. The board must follow substantially the
2 8 authorization procedures of section 331.443 to authorize a loan
2 9 agreement for real property which is payable from the general
2 10 fund if the principal amount of the loan agreement does not
2 11 exceed the following limits:

2 12 ~~(a)~~ (i) ~~Four~~ Six hundred thousand dollars in a county
2 13 having a population of twenty=five thousand or less.

2 14 ~~(b)~~ (ii) ~~Five~~ Seven hundred fifty thousand dollars in a
2 15 county having a population of more than twenty=five thousand
2 16 but not more than fifty thousand.

2 17 ~~(c)~~ (iii) ~~Six~~ Nine hundred thousand dollars in a county
2 18 having a population of more than fifty thousand but not more
2 19 than one hundred thousand.

2 20 ~~(d)~~ (iv) ~~Eight~~ One million two hundred thousand dollars in
2 21 a county having a population of more than one hundred thousand
2 22 but not more than two hundred thousand.

2 23 ~~(e)~~ (v) One million five hundred thousand dollars in a
2 24 county having a population of more than two hundred thousand.

2 25 (b) If the board determines that at least fifty percent of
2 26 the real property that is the subject of the loan agreement is

2 27 to be used or occupied by the judicial branch as referenced

2 28 in section 602.1102, the board may follow the authorization

2 29 procedures of section 331.443 even if the principal amount of

2 30 the loan agreement exceeds the limitations in subparagraph

2 31 division (a).

2 32 Sec. 3. Section 331.441, subsection 2, paragraph b,
2 33 subparagraph (5), Code 2011, is amended to read as follows:

2 34 (5) (a) Public buildings, including the site or grounds of,
2 35 and the erection, equipment, remodeling, or reconstruction of,



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3 1 and additions or extensions to the buildings, and including the
3 2 provision and maintenance of juvenile detention or shelter care
3 3 facilities, when the cost does not exceed the following limits:
3 4 ~~(a)~~ (i) Six hundred thousand dollars in a county having a
3 5 population of twenty-five thousand or less.
3 6 ~~(b)~~ (ii) Seven hundred fifty thousand dollars in a county
3 7 having a population of more than twenty-five thousand but not
3 8 more than fifty thousand.
3 9 ~~(c)~~ (iii) Nine hundred thousand dollars in a county having
3 10 a population of more than fifty thousand but not more than one
3 11 hundred thousand.
3 12 ~~(d)~~ (iv) One million two hundred thousand dollars in a
3 13 county having a population of more than one hundred thousand
3 14 but not more than two hundred thousand.
3 15 ~~(e)~~ (v) One million five hundred thousand dollars in a
3 16 county having a population of more than two hundred thousand.
3 17 (b) If the board determines that at least fifty percent of
3 18 the public building will be used or occupied by the judicial
3 19 branch as referenced in section 602.1102, the board may follow
3 20 the authorization procedures of section 331.443 even if the
3 21 costs exceed the limitations in subparagraph division (a).

3 22 EXPLANATION

3 23 This bill relates to acquisition of property by a county and
3 24 county building projects involving the judicial branch.

3 25 The bill provides that if the project involves a real
3 26 property lease agreement, lease=purchase agreement, or loan
3 27 agreement, and at least 50 percent of the real property is
3 28 to be used or occupied by the judicial branch, the county,
3 29 when entering into the agreement, is authorized to follow the
3 30 procedures for issuance of essential county purpose bonds.

3 31 The bill also amends the definition of "essential county
3 32 purpose", relating to issuance of bonds for public buildings,
3 33 to provide that the dollar limitation on the cost of the
3 34 project does not apply if at least 50 percent of the public
3 35 building will be used or occupied by the judicial branch.



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4 1 Generally, an essential county purpose does not require
4 2 approval of the voters.
4 3 The bill increases the threshold amounts that determine
4 4 whether a project can be undertaken using the procedures for
4 5 essential county purpose bonds when the project involves a
4 6 lease, lease=purchase, or loan agreement. The bill increases
4 7 the threshold amounts in the following manner: For counties
4 8 with a population of 25,000 or less, the threshold amount
4 9 is increased from \$400,000 to \$600,000; for counties with
4 10 a population of more than 25,000 but not more than 50,000,
4 11 the threshold amount is increased from \$500,000 to \$750,000;
4 12 for counties with a population of more than 50,000 but not
4 13 more than 100,000, the threshold amount is increased from
4 14 \$600,000 to \$900,000; for counties with a population of more
4 15 than 100,000 but not more than 200,000, the threshold amount
4 16 is increased from \$800,000 to \$1.2 million; and for counties
4 17 with a population of more than 200,000, the threshold amount is
4 18 increased from \$1 million to \$1.5 million.

LSB 1262SC (1) 84

jm/sc



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Senate Study Bill 1063

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to establishment of an Iowa health benefit
2 exchange, abolishment of the Iowa insurance information
3 exchange, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2121SC (2) 84
pf:av/rj



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1 1 DIVISION I
1 2 IOWA HEALTH BENEFIT EXCHANGE
1 3 Section 1. NEW SECTION. 514M.1 Short title.
1 4 This Act shall be known and may be cited as the "Iowa Health
1 5 Benefit Exchange Act".
1 6 Sec. 2. NEW SECTION. 514M.2 Findings.
1 7 The general assembly finds the following:
1 8 1. The cost of health insurance for individuals and
1 9 employers in Iowa is increasing.
1 10 2. The cost of health insurance for state and local
1 11 governments in Iowa is increasing.
1 12 3. The number of uninsured and underinsured persons in Iowa
1 13 is increasing.
1 14 4. The federal Patient Protection and Affordable Care
1 15 Act, Pub. L. No. 111=148, as amended by the federal Health
1 16 Care and Education Reconciliation Act of 2010, Pub. L. No.
1 17 111=152, requires each state, by January 1, 2014, to establish
1 18 an American health benefit exchange that facilitates the
1 19 purchase of qualified health plans by qualified individuals
1 20 and qualified small employers, as specified, and meets certain
1 21 other requirements. The federal Act also requires each state
1 22 to inform the secretary by January 1, 2013, that the state has
1 23 the ability to implement the exchange by January 1, 2014.
1 24 5. The establishment of the Iowa health benefit exchange
1 25 provides an opportunity to increase access to health care,
1 26 expand health care coverage, lower the costs of health care,
1 27 and provide the foundation for a sustainable health care system
1 28 for Iowa citizens and employers.
1 29 Sec. 3. NEW SECTION. 514M.3 Purpose and intent.
1 30 It is the purpose of this chapter to do all of the following:
1 31 1. Enact the necessary state laws to be consistent with the
1 32 federal Act.
1 33 2. Provide for the establishment of an American health
1 34 benefit exchange as required by the federal Act to facilitate
1 35 the purchase and sale of qualified health benefit plans in



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2 1 the individual market in this state and to provide for the
2 2 establishment of a small business health options program, known
2 3 as a small business health options program exchange, to assist
2 4 qualified small employers in this state in facilitating the
2 5 enrollment of their employees in qualified health benefit plans
2 6 offered in the small group market.

2 7 3. Reduce the number of uninsured Iowans by creating an
2 8 organized, transparent, and easy-to-navigate health insurance
2 9 marketplace with low administrative costs that offers a
2 10 choice of high-value health benefit plans for individuals and
2 11 employers.

2 12 4. Provide qualified individuals and employers with the
2 13 ability to claim available federal tax credits and cost-sharing
2 14 subsidies, and to meet the personal responsibility requirements
2 15 imposed under the federal Act.

2 16 Sec. 4. NEW SECTION. 514M.4 Definitions.

2 17 As used in this chapter, unless the context otherwise
2 18 requires:

2 19 1. "Board" means the board of directors of the Iowa health
2 20 benefit exchange.

2 21 2. "Commissioner" means the commissioner of insurance.

2 22 3. "Defined contribution arrangement health benefit plan"
2 23 means an employer group health benefit plan individually
2 24 selected by an employee of a small employer, within the
2 25 actuarial tier of platinum, gold, silver, or bronze, as defined
2 26 in the federal Act, selected by the small employer.

2 27 4. "Exchange" means the Iowa health benefit exchange
2 28 established pursuant to section 514M.5.

2 29 5. "Federal Act" means the federal Patient Protection and
2 30 Affordable Care Act, Pub. L. No. 111=148, as amended by the
2 31 federal Health Care and Education Reconciliation Act of 2010,
2 32 Pub. L. No. 111=152, and any amendments thereto, or regulations
2 33 or guidance issued under, those acts.

2 34 6. a. "Health benefit plan" means a policy, contract,
2 35 certificate, or agreement offered or issued by a health carrier



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3 1 to provide, deliver, arrange for, pay for, or reimburse any of
3 2 the costs of health care services.
3 3 b. "Health benefit plan" does not include any of the
3 4 following:
3 5 (1) Coverage only for accident, or disability income
3 6 insurance, or any combination thereof.
3 7 (2) Coverage issued as a supplement to liability insurance.
3 8 (3) Liability insurance, including general liability
3 9 insurance and automobile liability insurance.
3 10 (4) Workers' compensation or similar insurance.
3 11 (5) Automobile medical payment insurance.
3 12 (6) Credit-only insurance.
3 13 (7) Coverage for on-site medical clinics.
3 14 (8) Other similar insurance coverage, specified in federal
3 15 regulations issued pursuant to Tit. XXVII of the federal Public
3 16 Health Service Act, as enacted by the federal Health Insurance
3 17 Portability and Accountability Act of 1996, Pub. L. No.
3 18 104=191, and amended by the federal Act, under which benefits
3 19 for health care services are secondary or incidental to other
3 20 insurance benefits.
3 21 c. "Health benefit plan" does not include any of the
3 22 following benefits if they are provided under a separate
3 23 policy, certificate, or contract of insurance or are otherwise
3 24 not an integral part of the plan:
3 25 (1) Limited scope dental or vision benefits.
3 26 (2) Benefits for long-term care, nursing home care, home
3 27 health care, community-based care, or any combination thereof.
3 28 (3) Other similar, limited benefits specified in federal
3 29 regulations issued pursuant to the federal Health Insurance
3 30 Portability and Accountability Act of 1996, Pub. L. No.
3 31 104=191.
3 32 d. "Health benefit plan" does not include any of the
3 33 following benefits if the benefits are provided under a
3 34 separate policy, certificate, or contract of insurance, there
3 35 is no coordination between the provision of the benefits



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4 1 and any exclusion of benefits under any group health plan
4 2 maintained by the same plan sponsor, and the benefits are paid
4 3 with respect to an event without regard to whether benefits are
4 4 provided with respect to such an event under any group health
4 5 plan maintained by the same plan sponsor:
4 6 (1) Coverage only for a specified disease or illness.
4 7 (2) Hospital indemnity or other fixed indemnity insurance.
4 8 e. "Health benefit plan" does not include any of the
4 9 following if offered as a separate policy, certificate, or
4 10 contract of insurance:
4 11 (1) Medicare supplemental health insurance as defined under
4 12 section 1882(g)(1) of the federal Social Security Act.
4 13 (2) Coverage supplemental to the coverage provided under 10
4 14 U.S.C. ch. 55, by the civilian health and medical program of
4 15 the uniformed services.
4 16 (3) Supplemental coverage similar to that provided under a
4 17 group health plan.
4 18 7. "Health carrier" means an entity subject to the insurance
4 19 laws and rules of this state, or subject to the jurisdiction
4 20 of the commissioner, that contracts or offers to contract to
4 21 provide, deliver, arrange for, pay for, or reimburse any of
4 22 the costs of health care services, including an insurance
4 23 company offering sickness and accident plans, a health
4 24 maintenance organization, a nonprofit hospital or health
4 25 service corporation, or any other entity providing a plan of
4 26 health insurance, health benefits, or health services.
4 27 8. "Insurance producer" means a person required to be
4 28 licensed under chapter 522B to sell, solicit, or negotiate
4 29 insurance.
4 30 9. "Qualified dental plan" means a limited scope dental plan
4 31 that has been certified in accordance with section 514M.10.
4 32 10. "Qualified employer" means a small employer that
4 33 elects to make its full-time employees eligible for one or
4 34 more qualified health benefit plans offered through the small
4 35 business health options program exchange, and at the option of



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- 5 1 the employer, some or all of its part-time employees, provided
5 2 that the employer does either of the following:
- 5 3 a. Has its principal place of business in this state and
5 4 elects to provide coverage through the small business health
5 5 options program exchange to all of its eligible employees
5 6 wherever employed.
- 5 7 b. Elects to provide coverage through the small business
5 8 health options program exchange to all of its eligible
5 9 employees who are principally employed in this state.
- 5 10 11. "Qualified health benefit plan" means a health benefit
5 11 plan that has in effect a certification that the plan meets the
5 12 criteria for certification described in section 1311(c) of the
5 13 federal Act and section 514M.10.
- 5 14 12. "Qualified individual" means an individual, including a
5 15 minor, who is all of the following:
- 5 16 a. Is seeking to enroll in a qualified health plan offered
5 17 to individuals through the exchange.
- 5 18 b. Is a resident of this state.
- 5 19 c. At the time of enrollment, is not incarcerated, other
5 20 than incarceration pending the disposition of charges.
- 5 21 d. Is, and is reasonably expected to be, for the entire
5 22 period for which enrollment is sought, a citizen or national of
5 23 the United States or an alien lawfully present in the United
5 24 States.
- 5 25 13. "Resident" means a person who is a resident of this
5 26 state for state income tax purposes.
- 5 27 14. "Secretary" means the secretary of the United States
5 28 department of health and human services.
- 5 29 15. "Small business health options program exchange" means
5 30 the small business health options program exchange established
5 31 under section 514M.9.
- 5 32 16. a. "Small employer" means an employer that employed an
5 33 average of one to fifty employees during the preceding calendar
5 34 year.
- 5 35 b. For the purposes of this subsection:



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6 1 (1) All persons treated as a single employer under
6 2 subsection (b), (c), (m), or (o) of section 414 of the Internal
6 3 Revenue Code of 1986 shall be treated as a single employer.
6 4 (2) An employer and any predecessor employer shall be
6 5 treated as a single employer.
6 6 (3) All employees shall be counted, including part-time
6 7 employees and employees who are not eligible for coverage
6 8 through the employer.
6 9 (4) If an employer was not in existence throughout the
6 10 preceding calendar year, the determination of whether that
6 11 employer is a small employer shall be based on the average
6 12 number of employees that is reasonably expected that employer
6 13 will employ on business days in the current calendar year.
6 14 (5) An employer that makes enrollment in qualified health
6 15 plans available to its employees through the small business
6 16 health options program exchange, and would cease to be a
6 17 small employer by reason of an increase in the number of its
6 18 employees, shall continue to be treated as a small employer
6 19 for purposes of this chapter as long as it continuously makes
6 20 enrollment through the small business health options program
6 21 exchange available to its employees.
6 22 Sec. 5. NEW SECTION. 514M.5 Iowa health benefit exchange
6 23 established.
6 24 1. The Iowa health benefit exchange is established as a
6 25 nonprofit corporation under the purview of the office of the
6 26 governor.
6 27 2. The exchange shall operate under a plan of operation
6 28 established and approved under section 514M.8 and shall
6 29 exercise its powers through a board of directors established
6 30 under section 514M.6. The board shall implement and direct
6 31 the activities of the exchange, whose purpose is to create and
6 32 administer a state-based exchange, as described in section 1311
6 33 of the federal Act and this chapter.
6 34 3. The exchange shall facilitate the availability, choice,
6 35 and adoption of private health benefit plans to eligible



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7 1 individuals and groups as described in this chapter and in the
7 2 federal Act.

7 3 4. The exchange shall make individual and small employer
7 4 group coverage available to Iowa residents no later than
7 5 January 1, 2014.

7 6 5. The exchange shall be considered a governmental body
7 7 for the purposes of chapter 21 and a government body for the
7 8 purposes of chapter 22.

7 9 Sec. 6. NEW SECTION. 514M.6 Board of directors.

7 10 1. There is a board of directors of the exchange which shall
7 11 carry out the powers and duties of the exchange as set forth in
7 12 this chapter.

7 13 2. The board of directors of the exchange shall consist
7 14 of seven voting members and two nonvoting members. The
7 15 voting members shall be appointed by the governor, subject to
7 16 confirmation by the senate. The governor shall designate one
7 17 voting member as chairperson and one as vice chairperson. The
7 18 nonvoting members shall be the commissioner of insurance and
7 19 the director of human services or their designees.

7 20 3. Each member of the board appointed by the governor shall
7 21 be a resident of this state and the composition of the voting
7 22 members of the board shall be in compliance with sections
7 23 69.16, 69.16A, and 69.16C.

7 24 4. The voting members of the board shall be appointed for
7 25 staggered terms of three years within sixty days after the
7 26 effective date of this Act and by December 15 of each year
7 27 thereafter. The initial terms of the voting members of the
7 28 board shall be staggered at the discretion of the governor. A
7 29 voting member of the board is eligible for reappointment. The
7 30 governor shall fill a vacancy on the board in the same manner
7 31 as the original appointment for the remainder of the term. A
7 32 voting member of the board may be removed by the governor for
7 33 misfeasance, malfeasance, willful neglect of duty, failure to
7 34 actively participate in the affairs of the board, or other
7 35 cause after notice and a public hearing unless the notice and



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8 1 hearing are waived by the member in writing.
8 2 5. The voting members of the board shall include
8 3 representatives of consumers and small employers as well as
8 4 individuals that are knowledgeable about health insurance,
8 5 health finance, and health systems.
8 6 6. A voting member of the board shall not be an employee
8 7 of, a consultant to, a member of the board of directors of,
8 8 affiliated with, have an ownership interest in, or otherwise
8 9 be a representative of any health carrier, insurance producer
8 10 agency, insurance consultant organization, trade association of
8 11 insurers, or association offering health insurance coverage to
8 12 its members, while serving on the board.
8 13 7. Voting members of the board may be reimbursed from
8 14 the moneys of the exchange for expenses incurred by them as
8 15 members, but shall not be otherwise compensated by the exchange
8 16 for their services.
8 17 8. A majority of the voting members of the board constitutes
8 18 a quorum. The affirmative vote of a majority of the voting
8 19 members is necessary for any action taken by the board. The
8 20 majority shall not include a member who has a conflict of
8 21 interest and a statement by a member of a conflict of interest
8 22 is conclusive for this purpose. A vacancy in the membership
8 23 of the board does not impair the right of a quorum to exercise
8 24 the rights and perform the duties of the board. An action
8 25 taken by the board under this chapter may be authorized by
8 26 resolution at a regular or special meeting and each resolution
8 27 shall take effect immediately and need not be published or
8 28 posted. Meetings of the board shall be held at the call of
8 29 the chairperson or at the request of a majority of the voting
8 30 members.
8 31 9. The voting members of the board shall give bond as
8 32 required for public officers in chapter 64.
8 33 10. The voting members of the board are subject to and are
8 34 officials within the meaning of chapter 68B.
8 35 Sec. 7. NEW SECTION. 514M.7 Executive director ==== staff.



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9 1 1. The voting members of the board shall meet, and within
9 2 forty=five days of their appointment to the board, appoint an
9 3 executive director to supervise the administrative affairs
9 4 and general management and operations of the exchange. The
9 5 executive director shall not be a member of the board,
9 6 shall serve at the pleasure of the board, and shall receive
9 7 compensation as fixed by the board.

9 8 2. The executive director of the exchange shall keep
9 9 a record of the proceedings of the board and shall be the
9 10 custodian of all books, documents, and papers filed with
9 11 the board, the minute book or journal of the board, and the
9 12 official seal of the board. The executive director may cause
9 13 copies to be made of minutes and other records and documents of
9 14 the board and may give certificates under the official seal of
9 15 the board that the copies are true copies, and persons dealing
9 16 with the board may rely upon the certificates.

9 17 3. The executive director shall, with the approval of the
9 18 board, do all of the following:

9 19 a. Plan, direct, coordinate, and execute administrative
9 20 functions of the exchange in conformity with the policies and
9 21 directives of the board.

9 22 b. Employ professional and clerical staff as necessary.

9 23 c. Report to the board on all operations under the executive
9 24 director's control and supervision.

9 25 d. Prepare an annual budget and manage the administrative
9 26 expenses of the exchange.

9 27 e. Undertake any other activities necessary to implement the
9 28 powers and duties of the board.

9 29 Sec. 8. NEW SECTION. 514M.8 General requirements for the
9 30 exchange ==== plan of operation.

9 31 1. The exchange shall be organized as a nonprofit
9 32 corporation and shall submit to the commissioner a plan
9 33 of operation for the exchange within ninety days after the
9 34 appointment of the board of directors. After notice and
9 35 hearing, the commissioner shall approve the plan of operation



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10 1 if the plan is determined to be suitable to assure the fair,
10 2 reasonable, and equitable administration of the exchange and
10 3 to meet the requirements of federal and state law for a state
10 4 health benefit exchange. In addition to other requirements,
10 5 the plan of operation shall provide for all of the following:
10 6 a. The handling and accounting of assets and moneys of the
10 7 exchange, including the power to borrow money, and to establish
10 8 lines of credit and cash and investment accounts.
10 9 b. The amount and method of reimbursing members of the board
10 10 for expenses incurred by them as members.
10 11 c. Regular times and places for meetings of the board.
10 12 d. Records to be kept of all financial transactions, and
10 13 the annual audit and fiscal reporting to the secretary, the
10 14 governor, the commissioner, the general assembly, and the
10 15 public.
10 16 e. Hiring independent consultants as necessary.
10 17 f. Procedures and criteria detailing the implementation of
10 18 the activities and duties assigned to the exchange pursuant to
10 19 this chapter and applicable federal law.
10 20 g. Adoption of bylaws to regulate the affairs and the
10 21 conduct of the exchange's business.
10 22 h. Maintenance of an office within the state at such place
10 23 or places as the exchange may designate.
10 24 i. The power to approve the use of trademarks, brand names,
10 25 seals, logos, and other similar instruments by participating
10 26 health carriers, employers, or organizations.
10 27 j. Additional provisions necessary or proper for the
10 28 execution of the powers and duties of the exchange.
10 29 k. The assessment of health carriers in the state to fund
10 30 the operation of the exchange as provided in section 514M.12.
10 31 2. The exchange has the power to enter into agreements with
10 32 other state and federal agencies.
10 33 3. The exchange shall do the following:
10 34 a. Beginning no later than January 1, 2014, make qualified
10 35 health benefit plans available to qualified individuals and



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11 1 qualified employers and facilitate the purchase and sale of
11 2 such plans.
11 3 b. Beginning no later than January 1, 2014, provide for
11 4 the establishment of a small business health options program
11 5 exchange that is designed to assist qualified small employers
11 6 in this state in facilitating the enrollment of their employees
11 7 in qualified health benefit plans offered in the small group
11 8 market in this state.
11 9 c. Beginning no later than January 1, 2014, provide an
11 10 option for an eligible small employer to choose to participate
11 11 in a defined contribution arrangement health benefit plan made
11 12 available by the exchange.
11 13 d. Within sixty days of appointment of the board of
11 14 directors, begin to collaborate with the commissioner to
11 15 integrate the functions of the Iowa insurance information
11 16 exchange established in section 505.32 into the Iowa health
11 17 benefit exchange in order to ensure the most seamless
11 18 transition possible from an insurance information exchange
11 19 to the Iowa health benefit exchange within the time period
11 20 prescribed by the federal Act.
11 21 4. The exchange may contract with an eligible entity for
11 22 any of its functions described in this chapter, not otherwise
11 23 delegated to the commissioner or the board. An eligible
11 24 entity includes but is not limited to the department of public
11 25 health, the department of human services, or an entity that
11 26 has experience in individual and small group health insurance,
11 27 benefit administration, or other experience relevant to the
11 28 responsibilities of the exchange. However, a health carrier or
11 29 an affiliate of a health carrier is not an eligible entity for
11 30 the purposes of this subsection.
11 31 5. The exchange shall not make available any health benefit
11 32 plan that is not a qualified health benefit plan.
11 33 6. The exchange shall allow a health carrier to offer a
11 34 plan that provides limited scope dental benefits meeting the
11 35 requirements of section 9832(c)(2)(A) of the Internal Revenue



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12 1 Code of 1986 through the exchange, either separately or in
12 2 conjunction with a qualified health benefit plan, if the plan
12 3 provides pediatric dental benefits meeting the requirements of
12 4 section 1302(b)(1)(J) of the federal Act.
12 5 7. The exchange or a health carrier offering health benefit
12 6 plans through the exchange shall not charge an individual a
12 7 fee or penalty for termination of coverage if the individual
12 8 enrolls in another type of minimum essential coverage because
12 9 the individual has become newly eligible for that coverage
12 10 or because the individual's employer-sponsored coverage has
12 11 become affordable under the standards of the federal Act, to be
12 12 codified at section 36B(c)(2)(C) of the Internal Revenue Code
12 13 of 1986.
12 14 Sec. 9. NEW SECTION. 514M.9 Powers and duties of the
12 15 exchange.
12 16 1. The exchange shall, according to the provisions of this
12 17 chapter, applicable rules, and applicable federal laws and
12 18 regulations do all of the following:
12 19 a. Implement procedures for the certification,
12 20 recertification, and decertification of health benefit plans
12 21 as qualified health benefit plans, consistent with guidelines
12 22 developed by the secretary under section 1311(c) of the federal
12 23 Act and applicable state law.
12 24 b. Provide for the operation of a toll-free telephone
12 25 hotline to respond to requests for assistance.
12 26 c. Provide for enrollment periods, as determined by the
12 27 secretary under section 1311(c)(6) of the federal Act and
12 28 applicable state law.
12 29 d. Maintain an internet site through which enrollees,
12 30 employers, and prospective enrollees of qualified health
12 31 benefit plans, at a minimum, may obtain standardized
12 32 comparative information on such plans. In developing the
12 33 electronic clearinghouse, the board may require health carriers
12 34 participating in the exchange to make available and regularly
12 35 update an electronic directory of contracting health care



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13 1 providers so individuals seeking coverage through the exchange
13 2 can search by health care provider name to determine which
13 3 health benefit plans in the exchange include that health
13 4 care provider in their network, and whether that health care
13 5 provider is accepting new patients for that particular health
13 6 benefit plan.

13 7 e. Assign a rating to each qualified health benefit plan
13 8 offered through the exchange in accordance with criteria
13 9 developed by the secretary under section 1311(c)(3) of the
13 10 federal Act, and determine the level of coverage of each
13 11 qualified health benefit plan in accordance with regulations
13 12 issued by the secretary under section 1302(d)(2)(A) of the
13 13 federal Act and applicable state law.

13 14 f. Utilize a standardized format for presenting health
13 15 benefit plan options in the exchange, including the use of the
13 16 uniform outline of coverage established under section 2715 of
13 17 the Public Health Service Act and applicable state law.

13 18 g. In accordance with section 1413 of the federal Act
13 19 and applicable state law, inform individuals of eligibility
13 20 requirements for the Medicaid program under Tit. XIX of the
13 21 federal Social Security Act, the children's health insurance
13 22 program under Tit. XXI of the federal Social Security Act, or
13 23 any applicable state or local public program and if through
13 24 screening of an application by the exchange, the exchange
13 25 determines that any individual is eligible for any such
13 26 program, enroll that individual in that program.

13 27 h. Establish and make available by electronic means a
13 28 calculator to determine the actual cost of coverage after
13 29 application of any premium tax credit under the standards of
13 30 the federal Act to be codified at section 36B(c)(2)(C) of the
13 31 Internal Revenue Code of 1986 and any cost-sharing reduction
13 32 under section 1402 of the federal Act.

13 33 i. Establish a small business health options program
13 34 exchange through which individuals employed by qualified
13 35 employers may enroll in any qualified health benefit plan



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14 1 offered through the small business health options program
14 2 exchange at the level of coverage specified by the employer.
14 3 In establishing a small business health options program
14 4 exchange, the exchange shall do all of the following:
14 5 (1) Provide consolidated billing and premium payment by
14 6 employers including detailed information to employers on health
14 7 benefit plans and costs chosen by their employees.
14 8 (2) Establish an electronic interface and facilitate
14 9 the flow of funds between health carriers, employers, and
14 10 employees, including subsidies and the use of free choice
14 11 vouchers as provided in the federal Act.
14 12 (3) Provide plan enrollment information to employers.
14 13 j. Establish guidelines consistent with procedures
14 14 established pursuant to the federal Act that allow insurance
14 15 producers to assist individuals and small employers in
14 16 purchasing qualified health benefit plans from the exchange
14 17 and receive a commission from the exchange for the services
14 18 provided by them. If an insurance producer receives a
14 19 commission from the carrier that issues a qualified health
14 20 benefit plan, the producer shall not collect a commission from
14 21 the exchange.
14 22 k. Subject to section 1411 of the federal Act and applicable
14 23 state law, grant a certification attesting that, for purposes
14 24 of the individual responsibility penalty under the standards
14 25 of the federal Act to be codified at section 5000A of the
14 26 Internal Revenue Code of 1986, an individual is exempt from
14 27 the individual responsibility requirement or from the penalty
14 28 imposed by that section because of any of the following:
14 29 (1) There is no affordable qualified health benefit plan
14 30 available through the exchange, or the individual's employer,
14 31 covering the individual.
14 32 (2) The individual meets the requirements for any other
14 33 such exemption from the individual responsibility requirement
14 34 or penalty.
14 35 l. Transfer to the United States secretary of the treasury



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15 1 all of the following:

15 2 (1) A list of the individuals who are issued a certification

15 3 under paragraph "k", subparagraph (1), including the name and

15 4 taxpayer identification number of each individual.

15 5 (2) The name and taxpayer identification number of each

15 6 individual who was an employee of an employer but who was

15 7 determined to be eligible for the premium tax credit under

15 8 the standards of the federal Act to be codified at section

15 9 36B(c)(2)(C) of the Internal Revenue Code of 1986 because of

15 10 either of the following:

15 11 (a) The employer did not provide minimum essential health

15 12 benefits coverage.

15 13 (b) The employer provided the minimum essential health

15 14 benefits coverage, but it was determined under the standards of

15 15 the federal Act to be codified at section 36B(c)(2)(C) of the

15 16 Internal Revenue Code of 1986 to either be unaffordable to the

15 17 employee or not provide the required minimum actuarial value.

15 18 (3) The name and taxpayer identification number of all of

15 19 the following:

15 20 (a) Each individual who notifies the exchange under section

15 21 1411(b)(4) of the federal Act that the individual has changed

15 22 employers.

15 23 (b) Each individual who ceases coverage under a qualified

15 24 health benefit plan during a plan year and the effective date

15 25 of that cessation.

15 26 m. Provide to each employer the name of each employee of

15 27 the employer described in paragraph "l", subparagraph (2), who

15 28 ceases coverage under a qualified health benefit plan during a

15 29 plan year and the effective date of the cessation.

15 30 n. Perform duties required of, or delegated to, the exchange

15 31 by the secretary, the United States secretary of the treasury,

15 32 or the commissioner related to determining eligibility for

15 33 premium tax credits, reduced cost-sharing, or individual

15 34 responsibility requirement exemptions.

15 35 o. Select entities qualified to serve as navigators



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16 1 in accordance with section 1311(i) of the federal Act and
16 2 applicable state law and award grants to enable navigators to
16 3 do the following:

16 4 (1) Conduct public education activities for individuals
16 5 and small employers to raise awareness of the availability of
16 6 qualified health benefit plans.

16 7 (2) Distribute fair and impartial information concerning
16 8 enrollment in qualified health benefit plans, and the
16 9 availability of premium tax credits under the standards of
16 10 the federal Act to be codified at section 36B(c)(2)(C) of the
16 11 Internal Revenue Code of 1986, cost-sharing reductions under
16 12 section 1402 of the federal Act, federal employer health tax
16 13 credits, and state employer health tax credits and subsidies.

16 14 (3) Facilitate enrollment in qualified health benefit
16 15 plans.

16 16 (4) Provide referrals to the office of health insurance
16 17 consumer assistance established under the federal Act pursuant
16 18 to section 2793 of the federal Public Health Service Act
16 19 and the office of the commissioner or any other appropriate
16 20 state agency, for any enrollee with a grievance, complaint,
16 21 or question regarding the enrollee's health benefit plan,
16 22 coverage, or a determination under that plan or coverage.

16 23 (5) Provide information in a manner that is culturally and
16 24 linguistically appropriate to the needs of the population being
16 25 served by the exchange.

16 26 p. In consultation with the commissioner, review the rate of
16 27 premium growth within the exchange and outside the exchange,
16 28 and consider the information in developing recommendations on
16 29 whether to continue limiting qualified employer status to small
16 30 employers.

16 31 q. Credit the amount of any free choice voucher to the
16 32 monthly premium of the plan in which a qualified employee is
16 33 enrolled, in accordance with section 10108 of the federal Act,
16 34 and collect the amount credited from the offering employer.

16 35 r. Consult with stakeholders who are relevant to carrying



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17 1 out the activities required under this chapter including but
17 2 not limited to the following:

17 3 (1) Educated health care consumers who are individuals
17 4 that are knowledgeable about the health care system, have a
17 5 background or experience in making informed decisions regarding
17 6 health, medical, and scientific matters, and who are enrollees
17 7 in qualified health benefit plans.

17 8 (2) Individuals and entities with experience in
17 9 facilitating enrollment in qualified health benefit plans.

17 10 (3) Representatives of small businesses and self-employed
17 11 individuals.

17 12 (4) The department of human services.

17 13 (5) The commissioner.

17 14 (6) The department of public health.

17 15 (7) Advocates for enrolling hard-to-reach populations.

17 16 s. Seek and receive federal grants available pursuant
17 17 to section 1311 of the federal Act and other grant funding
17 18 available from private or government sources.

17 19 t. Require qualified health benefit plans to provide
17 20 information and make disclosures to enrollees required by state
17 21 and federal law.

17 22 u. Require qualified health benefit plans to implement
17 23 activities to reduce health care access disparities, including
17 24 the use of language services, community outreach, and cultural
17 25 competency training for employees of such plans.

17 26 v. Assist in the implementation of reinsurance and risk
17 27 adjustment mechanisms, as required by state and federal law.

17 28 w. Publicize the existence of the exchange, the eligibility
17 29 and enrollment requirements of the exchange, and the benefits
17 30 and advantages of purchasing coverage through the exchange.

17 31 x. Develop services that aid small employers in the
17 32 administration of their group health benefit plans.

17 33 y. Facilitate the development of cafeteria plans pursuant
17 34 to section 125 of the Internal Revenue Code of 1986, for use by
17 35 employers participating in the exchange.



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18 1 z. Establish guidelines for determining what state licensure
18 2 requirements for insurance producers are applicable, if any, to
18 3 the exchange and to exchange employees and entities or persons
18 4 who are qualified as navigators.
18 5 aa. Examine methods to limit health benefit plan design
18 6 options to create adequate consumer choice and value, while
18 7 avoiding unnecessary, duplicative, and confusing plan designs.
18 8 ab. Encourage the development of health benefit plans that
18 9 promote wellness, preventative health care, and new innovations
18 10 in health care delivery systems that promote efficiency, curb
18 11 health care costs, and provide value to health care consumers.
18 12 ac. Develop strategies that encourage the participation of
18 13 health carriers in the exchange, including cooperatives and
18 14 multistate plans, that offer good value to consumers and have
18 15 high-quality ratings.
18 16 ad. Develop strategies to ensure the viability of the
18 17 exchange by minimizing adverse risk selection.
18 18 ae. Meet all of the following financial integrity
18 19 requirements:
18 20 (1) Keep an accurate accounting of all activities,
18 21 receipts, and expenditures of the exchange and annually submit
18 22 to the secretary, the governor, the commissioner, the general
18 23 assembly, and the public, a report concerning such accountings
18 24 as provided in section 514M.12.
18 25 (2) Fully cooperate with any investigation conducted by
18 26 the secretary pursuant to the secretary's authority under the
18 27 federal Act and allow the secretary, in coordination with the
18 28 inspector general of the United States department of health and
18 29 human services to do all of the following:
18 30 (a) Investigate the affairs of the exchange.
18 31 (b) Examine the properties and records of the exchange.
18 32 (c) Require periodic reports in relation to the activities
18 33 undertaken by the exchange.
18 34 (3) In carrying out its activities under this chapter, not
18 35 use any funds intended for the administrative and operational



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19 1 expenses of the exchange for staff retreats, promotional
19 2 giveaways, excessive executive compensation, or promotion of
19 3 federal or state legislative and regulatory modifications.
19 4 2. The exchange has the power to enter into agreements with
19 5 other state and federal agencies.
19 6 3. The exchange shall encourage cross=agency consultation
19 7 and coordination and shall consult regularly with the
19 8 commissioner, department of human services, department of
19 9 public health, and where appropriate, the attorney general, all
19 10 of which shall be required to lend expertise and resources to
19 11 the exchange as needed.
19 12 4. The exchange shall coordinate its activities with the
19 13 Iowa Medicaid enterprise of the department of human services,
19 14 the department of revenue, and the insurance division of the
19 15 department of commerce to ensure that the state fulfills the
19 16 requirements of the federal Act and to ensure that there is
19 17 a seamless integration of the functions of the exchange, the
19 18 Medicaid program, and the hawk=i program including eligibility
19 19 determinations and distribution of premium subsidies and other
19 20 cost=sharing assistance.
19 21 5. The exchange may enter into information=sharing
19 22 agreements with federal and state agencies and other state
19 23 exchanges to carry out its responsibilities under this chapter
19 24 provided such agreements include adequate protections with
19 25 respect to the confidentiality of the information to be shared
19 26 and comply with all state and federal laws and regulations.
19 27 6. The exchange may establish and manage a system of
19 28 aggregating all moneys paid as tax credits, premium subsidies,
19 29 and premium payments made by, or on behalf of, individuals
19 30 obtaining coverage through the exchange, including any premium
19 31 payments made by employers, enrollees, employees, unions, or
19 32 other organizations and paying those moneys to the health
19 33 carrier.
19 34 Sec. 10. NEW SECTION. 514M.10 Health benefit plan
19 35 certification.



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20 1 1. The exchange may certify a health benefit plan as a
20 2 qualified health benefit plan if the plan meets all of the
20 3 following criteria:
20 4 a. The plan provides the essential health benefit package
20 5 described in section 1302(a) of the federal Act, except that
20 6 the plan is not required to provide essential benefits that
20 7 duplicate the minimum benefits of qualified dental plans, as
20 8 provided in subsection 7, if all of the following occur:
20 9 (1) The exchange determines that at least one qualified
20 10 dental plan is available to supplement the plan's coverage.
20 11 (2) The health carrier makes a prominent disclosure at the
20 12 time it offers the plan, in a form approved by the exchange,
20 13 that the plan does not provide the full range of essential
20 14 pediatric benefits and that qualified dental plans providing
20 15 those benefits and other dental benefits not covered by the
20 16 plan are offered through the exchange.
20 17 b. The premium rates and contract language have been
20 18 approved by the commissioner.
20 19 c. The plan provides at least a bronze level of coverage,
20 20 as that level is defined by the federal Act, unless the plan
20 21 is certified as a qualified catastrophic plan, meets the
20 22 requirements of the federal Act for catastrophic plans, and
20 23 will only be offered to individuals eligible for catastrophic
20 24 coverage.
20 25 d. The plan's cost-sharing requirements do not exceed the
20 26 limits established under section 1302(c)(1) of the federal Act,
20 27 and if the plan is offered through the small business health
20 28 options program exchange, the plan's deductible does not exceed
20 29 the limits established under section 1302(c)(2) of the federal
20 30 Act.
20 31 e. The health carrier offering the plan meets all of the
20 32 following criteria:
20 33 (1) Is licensed and in good standing to offer health
20 34 insurance coverage in this state.
20 35 (2) Has received form and rate prior approval from the



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21 1 commissioner for that health benefit plan as required by
21 2 statute.
21 3 (3) Offers at least one qualified health benefit plan in
21 4 the silver level and at least one qualified health plan in the
21 5 gold level, as those levels are defined in the federal Act,
21 6 through each component of the exchange in which the health
21 7 carrier participates, where component refers to the small
21 8 business health options program exchange and to the exchange
21 9 for individual coverage.
21 10 (4) Charges the same premium rate for each qualified health
21 11 benefit plan without regard to whether the plan is offered
21 12 through the exchange and without regard to whether the plan
21 13 is offered directly from the health carrier or through an
21 14 insurance producer.
21 15 (5) Does not charge any termination of coverage fees or
21 16 penalties in violation of section 514M.8.
21 17 (6) Offers at least one qualified health benefit plan in the
21 18 silver level and at least one qualified health benefit plan in
21 19 the gold level, as those levels are defined in the federal Act,
21 20 outside the exchange, unless the health carrier does not offer
21 21 any health benefit plans outside the exchange.
21 22 (7) Complies with the regulations developed by the
21 23 secretary under section 1311(d) of the federal Act, applicable
21 24 state laws, and such other requirements as the exchange may
21 25 establish.
21 26 f. The plan meets the requirements of certification as
21 27 adopted by rule pursuant to this section and by the secretary
21 28 under section 1311(c) of the federal Act, which include but
21 29 are not limited to minimum standards in the areas of marketing
21 30 practices, network adequacy, essential community providers in
21 31 underserved areas, accreditation, quality improvement, uniform
21 32 enrollment forms and descriptions of coverage, and information
21 33 on quality measures for health benefit plan performance.
21 34 g. The exchange determines that making the health benefit
21 35 plan available through the exchange is in the interest of



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22 1 qualified individuals and qualified employers in the state.
22 2 2. The exchange shall not exclude a health benefit plan from
22 3 certification for any of the following reasons:
22 4 a. On the basis that the plan is a fee=for=service plan.
22 5 b. Through the imposition of premium price controls.
22 6 c. On the basis that the health benefit plan provides
22 7 treatments necessary to prevent patients' deaths in
22 8 circumstances the exchange determines are inappropriate or too
22 9 costly.
22 10 3. The exchange has the authority to limit participation in
22 11 the exchange, to the extent permitted by the federal Act and
22 12 by the United States department of health and human services,
22 13 to the health benefit plans that the exchange determines offer
22 14 the best value, meaning the best combination of price and
22 15 quality. In making a determination of which health benefit
22 16 plans offer the best value, the exchange should consider all
22 17 of the following:
22 18 a. Rates and rate increases of the health benefit plan.
22 19 b. Health care effectiveness data, and information set
22 20 and consumer assessment of health care providers and systems
22 21 scores.
22 22 c. Implementation of payment mechanisms by the plan to
22 23 reduce medical errors and preventable hospitalizations, reduce
22 24 disparities in access to and quality of health care, and
22 25 improve language access.
22 26 d. The extent to which cost=sharing creates barriers to
22 27 treatment for lower=income enrollees.
22 28 4. The exchange shall require each health carrier seeking
22 29 certification of a health benefit plan as a qualified health
22 30 benefit plan to do the following:
22 31 a. Provide notice of any proposed premium increase and a
22 32 justification for the increase to the exchange and to affected
22 33 policyholders before implementation of that increase. The
22 34 health carrier shall prominently post the information on its
22 35 internet site. The exchange shall take this information, along



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23 1 with the information and the recommendations provided to the
23 2 exchange by the commissioner under the federal Act pursuant
23 3 to section 2794(b) of the federal Public Health Service Act
23 4 and applicable state law, into consideration when determining
23 5 whether to allow the health carrier to make health benefit
23 6 plans available through the exchange.
23 7 b. Make available to the public, in the format described in
23 8 paragraph "c", and submit to the exchange, the secretary, and
23 9 the commissioner, accurate and timely disclosure of all of the
23 10 following:
23 11 (1) Claims payment policies and practices.
23 12 (2) Periodic financial disclosures.
23 13 (3) Data on enrollment.
23 14 (4) Data on disenrollment.
23 15 (5) Data on the number of claims that are denied.
23 16 (6) Data on rating practices.
23 17 (7) Information on cost-sharing and payments with respect
23 18 to any out-of-network coverage.
23 19 (8) Information on enrollee and participant rights under
23 20 Tit. I of the federal Act and applicable state law.
23 21 (9) Other information as determined appropriate by the
23 22 secretary, the exchange, or the commissioner.
23 23 c. The information required in paragraph "b" shall be
23 24 provided in plain language, as that term is defined in section
23 25 1311(e) of the federal Act, as amended by section 10104 of the
23 26 federal Act, and applicable state law.
23 27 5. The exchange shall permit individuals to learn, in a
23 28 timely manner upon the request of an individual, the amount
23 29 of cost-sharing, including deductibles, copayments, and
23 30 coinsurance, under the individual's plan or coverage that the
23 31 individual would be responsible for paying with respect to the
23 32 furnishing of a specific item or service by a participating
23 33 provider. At a minimum, this information shall be made
23 34 available to the individual through an internet site and
23 35 through other means for individuals without access to the



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24 1 internet.

24 2 6. The exchange shall not exempt any health carrier seeking
24 3 certification of a health benefit plan, regardless of the type
24 4 or size of the health carrier, from applicable state licensure
24 5 or solvency requirements and shall apply the criteria of this
24 6 section in a manner that assures a level playing field between
24 7 or among health carriers participating in the exchange.

24 8 7. a. The provisions of this chapter that are applicable
24 9 to qualified health benefit plans shall also apply to the
24 10 extent relevant to qualified dental plans except as modified in
24 11 accordance with the provisions of paragraphs "b", "c", and "d"
24 12 or by rules adopted by the exchange.

24 13 b. A health carrier shall be licensed to offer dental
24 14 coverage, but is not required to be licensed to offer other
24 15 health benefits.

24 16 c. A qualified dental plan shall be limited to dental and
24 17 oral health benefits, without substantially duplicating the
24 18 benefits typically offered by health benefit plans without
24 19 dental coverage and shall include, at a minimum, the essential
24 20 pediatric dental benefits prescribed by the secretary pursuant
24 21 to section 1302(b)(1)(J) of the federal Act, and such other
24 22 dental benefits as the exchange or the secretary may specify
24 23 by regulation or rule.

24 24 d. Health carriers may jointly offer a comprehensive plan
24 25 through the exchange in which the dental benefits are provided
24 26 by a health carrier through a qualified dental plan and the
24 27 other benefits are provided by a health carrier through a
24 28 qualified health benefit plan, provided that the plans are
24 29 priced separately and are also made available for purchase
24 30 separately at the same price.

24 31 Sec. 11. NEW SECTION. 514M.11 Advisory committees.

24 32 1. The board shall establish one or more advisory committees
24 33 consisting of representatives from the insurance industry,
24 34 producer organizations, consumer advocacy groups, labor unions,
24 35 employers, health care providers, and other interested parties.



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25 1 The advisory committees shall meet when requested by the board.
25 2 2. An advisory committee may offer input to the board
25 3 regarding proposed rules, the plan of operation for the
25 4 exchange, and any other topics relevant to the exchange.
25 5 3. Public participation and comment, including written
25 6 comments, shall be encouraged by an advisory committee.
25 7 Sec. 12. NEW SECTION. 514M.12 Funding for the exchange ====
25 8 assessments ==== annual financial report.
25 9 1. Funding to operate the exchange shall come from federal
25 10 and private grants and from assessment fees charged to health
25 11 carriers. The exchange shall charge an assessment fee to all
25 12 health carriers in this state, as necessary to support the
25 13 operations of the exchange as provided under this chapter.
25 14 No state funding shall be appropriated or allocated for the
25 15 operation or administration of the exchange. The assessment
25 16 shall provide for the sharing of exchange losses and expenses
25 17 on an equitable and proportionate basis among health carriers
25 18 in the state as provided in this section.
25 19 2. Following the close of each calendar year, the exchange
25 20 shall determine the net premiums and payments, the expenses
25 21 of administration, and the incurred losses of the exchange
25 22 for the year. The exchange shall certify the amount of any
25 23 net loss for the preceding calendar year to the commissioner
25 24 and director of revenue. Any loss shall be assessed by the
25 25 exchange to all health carriers in proportion to the health
25 26 carriers' respective shares of total health insurance premiums
25 27 or payments for subscriber contracts received in Iowa during
25 28 the second preceding calendar year, or to their paid losses in
25 29 the year, coinciding with or ending during the calendar year
25 30 or on any other equitable basis as provided in the plan of
25 31 operation. In sharing losses, the exchange may abate or defer
25 32 in any part the assessment of a health carrier, if, in the
25 33 opinion of the board, payment of the assessment would endanger
25 34 the ability of the health carrier to fulfill its contractual
25 35 obligations. The exchange may also provide for an initial or



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26 1 interim assessment against health carriers if necessary to
26 2 assure the financial capability of the exchange to meet the
26 3 incurred or estimated claims expenses or operating expenses
26 4 of the exchange until the next calendar year is completed.
26 5 Net gains, if any, shall be held at interest to offset future
26 6 losses or allocated to reduce future expenses of the exchange.
26 7 a. For purposes of this subsection, "total health insurance
26 8 premiums" and "payments for subscriber contracts" include,
26 9 without limitation, premiums or other amounts paid to or
26 10 received by a health carrier for individual and group health
26 11 benefit plan coverage provided under any chapter of the Code
26 12 or of any Iowa Acts, and "paid losses" includes, without
26 13 limitation, claims paid by a health carrier operating on a
26 14 self-funded basis for individual and group health benefit plan
26 15 coverage provided under any chapter of the Code or of any Iowa
26 16 Acts.
26 17 b. For purposes of calculating and conducting the
26 18 assessment, the exchange shall have the express authority to
26 19 require health carriers to report on an annual basis each
26 20 health carrier's total health insurance premiums and payments
26 21 for subscriber contracts and paid losses. A health carrier is
26 22 liable for its share of the assessment calculated in accordance
26 23 with this section regardless of whether it participates in the
26 24 individual insurance market.
26 25 3. The exchange is subject to examination by the
26 26 commissioner. The exchange shall conduct periodic audits to
26 27 assure the general accuracy of the financial data submitted
26 28 to the exchange, and the exchange shall have an annual audit
26 29 of its operations made by an independent certified public
26 30 accountant. The results of that audit shall be provided to
26 31 the governor, the commissioner, the general assembly, and the
26 32 public. Not later than April 30 of each year, the board of
26 33 directors shall submit to the secretary, the governor, the
26 34 commissioner, the general assembly, and the public a financial
26 35 report for the preceding calendar year in a form approved by



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27 1 the commissioner and in compliance with federal law.
27 2 4. The exchange is subject to oversight by the legislative
27 3 fiscal committee of the legislative council. Not later than
27 4 April 30 of each year, the board of directors shall submit to
27 5 the legislative fiscal committee a financial report for the
27 6 preceding year in a form approved by the committee.
27 7 5. The exchange is exempt from payment of all fees and
27 8 all taxes levied by this state or any of its political
27 9 subdivisions.
27 10 6. The exchange shall publish the average costs of
27 11 licensing, regulatory fees, and any other payments required by
27 12 the exchange, and the administrative costs of the exchange, on
27 13 the exchange internet site to educate consumers and employers
27 14 about the costs of operating the exchange. This information
27 15 shall include moneys lost to waste, fraud, and abuse.
27 16 Sec. 13. NEW SECTION. 514M.13 Annual exchange status
27 17 report.
27 18 1. Every year the board shall examine the operations of
27 19 the exchange and the demographics of the persons enrolled in
27 20 the exchange and submit a written exchange status report to
27 21 the secretary, the governor, the commissioner, the general
27 22 assembly, and the public. The exchange status report shall
27 23 include a review of the following:
27 24 a. The operation and administration of the exchange,
27 25 including but not limited to:
27 26 (1) Surveys and reports of health benefit plans available to
27 27 eligible individuals and employers and the experience of the
27 28 plans.
27 29 (2) Administrative costs, claims statistics, complaint
27 30 data, and goals defined and achieved by the board during the
27 31 preceding year.
27 32 b. Information about the experience of health benefit plans
27 33 available through the exchange including data on enrollees
27 34 inside the exchange and on enrollees purchasing health benefit
27 35 plans outside the exchange.



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28 1 c. Any other significant observations regarding the
28 2 utilization of the individual exchange and the small business
28 3 health options program exchange.
28 4 2. The first exchange report shall be due on April 15, 2015,
28 5 and annually on that date thereafter.
28 6 3. On or before August 1, 2012, the board shall research,
28 7 investigate, produce, and submit one or more reports as
28 8 described in subsection 1 on the following topics:
28 9 a. Feasibility of merging the nongroup and small group
28 10 health insurance markets and risk pools, and the resulting
28 11 impact on premiums charged to individuals and small employer
28 12 groups.
28 13 b. Feasibility of establishing a multistate exchange and the
28 14 effects of a multistate exchange on health carriers and health
28 15 care consumers in the state.
28 16 c. Development of strategies to reduce health care costs,
28 17 such as encouraging the use of accountable care organizations
28 18 and the medical home model, and the effect of such changes on
28 19 health care costs and health insurance premiums for exchange
28 20 enrollees.
28 21 d. Development of strategies to avoid adverse risk selection
28 22 inside the exchange.
28 23 e. Feasibility of establishing a basic plan as described
28 24 in the federal Act for individuals whose income levels fall
28 25 between one hundred thirty=three percent and two hundred
28 26 percent of the federal poverty level based on the number of
28 27 people in the individual's household as defined by the most
28 28 recently revised poverty income guidelines published by the
28 29 United States department of health and human services and the
28 30 possible impact of such a plan on the exchange, the health
28 31 insurance market, and health care consumers in the state.
28 32 f. Feasibility of incorporating certain
28 33 government=sponsored health benefit plans, such as state
28 34 employee plans and school district plans, in the exchange and
28 35 the possible impact on those plans, the exchange, and the



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29 1 health insurance market in the state.
29 2 Sec. 14. NEW SECTION. 514M.14 Relation to other laws.
29 3 Nothing in this chapter, and no action taken by the exchange
29 4 pursuant to this chapter, shall be construed to preempt or
29 5 supersede the authority of the commissioner to regulate the
29 6 business of insurance in this state. Except as expressly
29 7 provided to the contrary in this chapter, all health carriers
29 8 offering qualified health benefit plans in this state shall
29 9 comply fully with all applicable health insurance laws of this
29 10 state and rules adopted and orders issued by the commissioner.
29 11 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this
29 12 Act, being deemed of immediate importance, takes effect upon
29 13 enactment.

29 14 DIVISION II
29 15 COORDINATING PROVISIONS
29 16 IOWA INSURANCE INFORMATION EXCHANGE

29 17 Sec. 16. REPEAL. Section 505.32, Code 2011, is repealed.
29 18 Sec. 17. EFFECTIVE DATE. This division of this Act takes
29 19 effect December 31, 2013.

29 20 EXPLANATION

29 21 This bill relates to establishment of an Iowa health benefit
29 22 exchange, and repeal of a provision establishing the Iowa
29 23 health insurance information exchange.

29 24 DIVISION I ===== IOWA HEALTH BENEFIT EXCHANGE. Division I of
29 25 the bill contains new Code chapter 514M, which establishes the
29 26 Iowa health benefit exchange (exchange) to comply with the
29 27 requirement of the federal Patient Protection and Affordable
29 28 Care Act (PPACA) that each state establish a health benefit
29 29 exchange by January 1, 2014, to facilitate the purchase of
29 30 qualified health benefit plans by qualified individuals and
29 31 qualified small employers and meet other requirements specified
29 32 in state and federal law.

29 33 The exchange is established as a nonprofit corporation under
29 34 the purview of the governor. The exchange operates under
29 35 bylaws and a plan of operation approved by the commissioner of



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30 1 insurance. The exchange is subject to the Iowa open meetings
30 2 and open records laws.
30 3 The exchange exercises its powers through a nine=member
30 4 board of directors, seven of whom are voting members and
30 5 are appointed by the governor and confirmed by the senate,
30 6 and the commissioner of insurance and director of human
30 7 services, or their designees, who are nonvoting members. The
30 8 composition of the board is subject to state requirements
30 9 of equality in political affiliation, gender balance, and
30 10 minority representation. The voting members of the board may
30 11 be reimbursed from the moneys of the exchange only for expenses
30 12 and do not receive any other compensation for their services.
30 13 The members of the board must be appointed by the governor
30 14 within 60 days after enactment of division I of the bill. The
30 15 plan of operation of the exchange must be submitted to the
30 16 commissioner within 90 days after the appointment of the board.
30 17 The board must meet, and within 45 days of their appointment,
30 18 appoint an executive director to supervise the administrative
30 19 affairs and general management and operations of the exchange.
30 20 The executive director may also employ professional and
30 21 clerical staff for the exchange as necessary.
30 22 Beginning no later than January 1, 2014, the exchange is
30 23 required to make qualified health benefit plans available
30 24 to qualified individuals and qualified employers, and
30 25 facilitate the purchase and sale of such plans; provide for
30 26 the establishment of a small business health options program
30 27 (SHOP) exchange to assist qualified small employers in Iowa in
30 28 facilitating the enrollment of their employees in qualified
30 29 health benefit plans offered in the small group market in this
30 30 state; and provide an option for an eligible small employer to
30 31 choose to participate in a defined contribution arrangement
30 32 health benefit plan made available by the exchange. Within 60
30 33 days of appointment of the board of directors, the exchange
30 34 is required to begin to collaborate with the commissioner of
30 35 insurance to integrate the functions of the Iowa insurance



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31 1 information exchange into the new Iowa health benefit exchange
31 2 consistent with state and federal law. The bill specifies the
31 3 powers and duties of the exchange to carry out the intent of
31 4 the chapter consistent with the PPACA and state law.

31 5 The exchange is given parameters for certifying health
31 6 benefit plans as qualified health benefit plans. Under the
31 7 PPACA, only qualified health benefit plans can be sold through
31 8 the exchange and a health benefit plan must be certified as
31 9 meeting certain minimum standards specified in the PPACA and
31 10 in this bill to be certified as a qualified health benefit
31 11 plan. Also, a health carrier must meet certain standards in
31 12 order to have its plans certified so that the plans can be
31 13 offered through the exchange. Licensed insurance producers
31 14 are allowed to assist individuals and small employers with
31 15 purchasing qualified health benefit plans through the exchange
31 16 and to receive a commission for doing so.

31 17 The board of the exchange is authorized to establish one or
31 18 more advisory committees consisting of various stakeholders to
31 19 offer input to the board concerning the exchange and topics
31 20 relevant to the exchange.

31 21 Funding to operate the exchange comes from federal and
31 22 private grants and from assessment fees charged to health
31 23 carriers in the state. Pursuant to federal law, no state
31 24 funding can be appropriated or allocated for the operation or
31 25 administration of the exchange. The amount of the assessment
31 26 for each health carrier to pay the exchange losses and expenses
31 27 is to be shared on an equitable and proportionate basis based
31 28 on the health carrier's respective share of total health
31 29 insurance premiums or payments for subscriber contracts
31 30 received in Iowa. The assessment formula to be utilized is
31 31 similar to that used by HIPiowa.

31 32 The exchange is required to file an annual financial report
31 33 including the results of an audit of the exchange by an
31 34 independent certified public accountant to the secretary of
31 35 the United States department of health and human services, the



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32 1 governor, the commissioner of insurance, the general assembly,
32 2 the legislative fiscal committee of the legislative council,
32 3 and the public. The exchange is also required to file an
32 4 annual exchange status report that examines the operations of
32 5 the exchange and the demographics of the persons enrolled in
32 6 the exchange with the secretary of the United States department
32 7 of health and human services, the governor, the commissioner of
32 8 insurance, the general assembly, and the public. On or before
32 9 August 1, 2012, the board of the exchange is required to submit
32 10 one or more reports to these same persons on topics involving
32 11 the feasibility of various strategies to reduce health care
32 12 costs in the state.

32 13 Division I of the bill, establishing the Iowa health benefit
32 14 exchange, takes effect upon enactment.

32 15 DIVISION II ==== IOWA INSURANCE INFORMATION EXCHANGE. In
32 16 division II of the bill, Code section 505.32, which established
32 17 the Iowa insurance information exchange, is repealed effective
32 18 December 31, 2013.

LSB 2121SC (2) 84

pf:av/rj



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Senate Study Bill 1064

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act concerning live dog racing at pari-mutuel dog
2 racetracks, establishing fees, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1454XC (2) 84
aw/sc



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1 1 Section 1. NEW SECTION. 99D.9A Dog racetrack licensure ====

1 2 annual fee.

1 3 1. A licensee authorized to operate a pari-mutuel dog

1 4 racetrack and to conduct gambling games pursuant to section

1 5 99F.6 as of January 1, 2011, may, upon written notification to

1 6 the commission and agreement to pay the annual dog racetrack

1 7 licensure fee to the commission as provided in this section,

1 8 discontinue scheduling performances of live dog races at

1 9 the racetrack and maintain a license under this chapter for

1 10 purposes of permitting pari-mutuel wagering on simultaneously

1 11 telecast dog races.

1 12 2. For purposes of this section, the annual dog racetrack

1 13 licensure fee shall be determined and paid as follows:

1 14 a. For the pari-mutuel dog racetrack located in Dubuque

1 15 county, the payment of three million dollars each January for

1 16 seven consecutive calendar years commencing January 2012.

1 17 b. For the pari-mutuel dog racetrack located in

1 18 Pottawattamie county, the payment of seven million dollars each

1 19 January for seven consecutive calendar years commencing January

1 20 2012.

1 21 3. The annual dog racetrack licensure fee collected under

1 22 this section shall be paid to the commission for deposit in the

1 23 general fund of the state.

1 24 Sec. 2. Section 99D.11, subsection 6, paragraph b, Code

1 25 2011, is amended to read as follows:

1 26 b. (1) The commission may authorize the licensee to

1 27 simultaneously telecast within the racetrack enclosure, for

1 28 the purpose of pari-mutuel wagering, a horse or dog race

1 29 licensed by the racing authority of another state. It is

1 30 the responsibility of each licensee to obtain the consent of

1 31 appropriate racing officials in other states as required by

1 32 the federal Interstate Horseracing Act of 1978, 15 U.S.C.

1 33 { 3001 = 3007, to televise races for the purpose of conducting

1 34 pari-mutuel wagering.

1 35 (2) A licensee may also obtain the permission of a person



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2 1 licensed by the commission to conduct horse or dog races in
2 2 this state to televise races conducted by that person for the
2 3 purpose of conducting pari=mutuel ~~racing~~ wagering. However,
2 4 arrangements made by a licensee to televise any race for
2 5 the purpose of conducting pari=mutuel wagering are subject
2 6 to the approval of the commission, and the commission shall
2 7 select the races to be televised. The races selected by the
2 8 commission shall be the same for all licensees approved by the
2 9 commission to televise races for the purpose of conducting
2 10 pari=mutuel wagering. The commission shall not authorize the
2 11 simultaneous telecast or televising of and a licensee shall
2 12 not simultaneously telecast or televise any horse or dog race
2 13 for the purpose of conducting pari=mutuel wagering unless the
2 14 simultaneous telecast or televising is done at the racetrack of
2 15 a licensee that schedules no less than sixty performances of
2 16 nine live races each day of the season or that is not obligated
2 17 to schedule performances of live races pursuant to section
2 18 99D.9A.

2 19 (3) For purposes of the taxes imposed under this chapter,
2 20 races televised by a licensee for purposes of pari=mutuel
2 21 wagering shall be treated as if the races were held at the
2 22 racetrack of the licensee. Notwithstanding any contrary
2 23 provision in this chapter, the commission may allow a licensee
2 24 to adopt the same deductions as those of the pari=mutuel
2 25 racetrack from which the races are being simultaneously
2 26 telecast.

2 27 Sec. 3. Section 99F.6, subsection 4, paragraph b, Code 2011,
2 28 is amended to read as follows:

2 29 b. The commission shall authorize the licensees of
2 30 pari=mutuel dog racetracks located in Dubuque county and Black
2 31 Hawk county to conduct gambling games as provided in section
2 32 99F.4A if the licensees schedule at least one hundred thirty
2 33 performances of twelve live races each day during a season of
2 34 twenty=five weeks. For the pari=mutuel dog racetrack located
2 35 in Pottawattamie county, the commission shall authorize the



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3 1 licensee to conduct gambling games as provided in section
3 2 99F.4A if the licensee schedules at least two hundred ninety
3 3 performances of twelve live races each day during a season of
3 4 fifty weeks. The commission shall approve an annual contract
3 5 to be negotiated between the annual recipient of the dog racing
3 6 promotion fund and each dog racetrack licensee to specify the
3 7 percentage or amount of gambling game proceeds which shall be
3 8 dedicated to supplement the purses of live dog races. The
3 9 parties shall agree to a negotiation timetable to insure no
3 10 interruption of business activity. If the parties fail to
3 11 agree, the commission shall impose a timetable. If the two
3 12 parties cannot reach agreement, each party shall select a
3 13 representative and the two representatives shall select a
3 14 third person to assist in negotiating an agreement. The two
3 15 representatives may select the commission or one of its members
3 16 to serve as the third party. Alternately, each party shall
3 17 submit the name of the proposed third person to the commission
3 18 who shall then select one of the two persons to serve as the
3 19 third party. All parties to the negotiations, including the
3 20 commission, shall consider that the dog racetracks were built
3 21 to facilitate the development and promotion of Iowa greyhound
3 22 racing dogs in this state and shall negotiate and decide
3 23 accordingly. However, the requirement to schedule performances
3 24 of live races for purposes of conducting gambling games under
3 25 this chapter shall not apply to a licensee who is not obligated
3 26 to schedule performances of live races pursuant to section
3 27 99D.9A.

3 28 Sec. 4. IOWA GREYHOUND OWNERS AND KENNELS RETIREMENT FUND.
3 29 1. A greyhound owners and kennels retirement fund is created
3 30 in the state treasury under the control of the racing and
3 31 gaming commission.
3 32 2. The fund shall consist of all of the following:
3 33 a. Moneys in the dog racing promotion fund created in
3 34 section 99D.12 and the Iowa horse and dog breeders fund
3 35 created in section 99D.22, that were deposited in those funds



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Senate Study Bill 1064 continued

4 1 from a dog racetrack licensee that discontinues scheduling
4 2 performances of live dog races pursuant to section 99D.9A.
4 3 b. Moneys credited to the fund from a dog racetrack licensee
4 4 that discontinues scheduling performances of live dog races
4 5 pursuant to section 99D.9A representing the remaining balance
4 6 of all dog purse supplement payments owed by the licensee
4 7 pursuant to an agreement approved by the commission.
4 8 3. Moneys in the fund shall be disbursed by the racing
4 9 and gaming commission to registered Iowa greyhound owners and
4 10 registered Iowa kennels in an expeditious and equitable manner
4 11 as determined by the racing and gaming commission.
4 12 4. Section 8.33 does not apply to any moneys in the fund.
4 13 Notwithstanding section 12C.7, subsection 2, interest or
4 14 earnings on moneys deposited in the fund shall be credited to
4 15 the fund.
4 16 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
4 17 immediate importance, takes effect upon enactment.
4 18 EXPLANATION
4 19 This bill concerns the conduct of live dog racing at
4 20 pari-mutuel dog racetracks authorized to conduct gambling
4 21 games.
4 22 New Code section 99D.9A allows a licensee authorized to
4 23 operate a pari-mutuel dog racetrack and to conduct gambling
4 24 games as of January 1, 2011, to pay an annual dog racetrack
4 25 licensure fee for a specified period, to discontinue scheduling
4 26 performances of live dog races, and to maintain a license
4 27 under Code chapter 99D for purposes of permitting pari-mutuel
4 28 wagering on simultaneously telecast dog races. The new Code
4 29 section sets the annual dog racetrack licensure fee for the
4 30 pari-mutuel dog racetrack located in Dubuque county at \$3
4 31 million, payable each January commencing January 2012 and
4 32 continuing for seven consecutive calendar years. For the
4 33 pari-mutuel dog racetrack located in Pottawattamie county,
4 34 the annual dog racetrack licensure fee is set at \$7 million,
4 35 payable each January commencing January 2012 and continuing for



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5 1 seven consecutive calendar years.
5 2 Code section 99D.11(6)(b), concerning pari-mutuel wagering
5 3 on simultaneous telecasts of horse or dog races, is amended
5 4 to allow a simultaneous telecast of dog races at a licensee
5 5 in this state that is not obligated to schedule live dog
5 6 races pursuant to new Code section 99D.9A. Under current
5 7 law, simulcast telecasting of races can only be allowed at
5 8 a racetrack of a licensee that schedules no less than 60
5 9 performances of nine live races each day of the season.
5 10 Code section 99F.6(4)(b) is amended to allow the conduct
5 11 of gambling games at a pari-mutuel dog racetrack that is not
5 12 obligated to schedule performances of live races pursuant to
5 13 new Code section 99D.9A.
5 14 The bill also establishes a greyhound owners and kennels
5 15 retirement fund under the control of the racing and gaming
5 16 commission. The fund shall consist of moneys in the dog racing
5 17 promotion fund created in Code section 99D.12 and the Iowa
5 18 horse and dog breeders fund created in Code section 99D.22 that
5 19 are deposited in those funds from a dog racetrack licensee that
5 20 discontinues live dog racing as provided by this bill. In
5 21 addition, the fund shall also consist of moneys credited to the
5 22 fund from a dog racetrack licensee that discontinues live dog
5 23 racing in an amount representing the remaining balance of all
5 24 dog purse supplement payments owed by the licensee pursuant to
5 25 an agreement approved by the commission. The bill provides
5 26 that moneys in the fund shall be disbursed by the commission to
5 27 registered Iowa greyhound owners and registered Iowa kennels
5 28 in an expeditious and equitable manner as determined by the
5 29 commission.
5 30 The bill takes effect upon enactment.
LSB 1454XC (2) 84
aw/sc



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Senate Study Bill 1065

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to midwife licensure and providing for a fee
2 and a penalty, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2147SC (3) 84
jr/nh



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1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
1 2 are amended to read as follows:
1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician and
1 5 surgeon, physician assistant, psychologist, chiropractor,
1 6 nurse, dentist, dental hygienist, dental assistant,
1 7 optometrist, speech pathologist, audiologist, pharmacist,
1 8 physical therapist, physical therapist assistant, occupational
1 9 therapist, occupational therapy assistant, respiratory care
1 10 practitioner, practitioner of cosmetology arts and sciences,
1 11 practitioner of barbering, funeral director, dietitian, marital
1 12 and family therapist, mental health counselor, social worker,
1 13 massage therapist, midwife, athletic trainer, acupuncturist,
1 14 nursing home administrator, hearing aid dispenser, or sign
1 15 language interpreter or transliterator means a person licensed
1 16 under this subtitle.
1 17 6. "Profession" means medicine and surgery, podiatry,
1 18 osteopathic medicine and surgery, practice as a physician
1 19 assistant, psychology, chiropractic, nursing, dentistry,
1 20 dental hygiene, dental assisting, optometry, speech pathology,
1 21 audiology, pharmacy, physical therapy, physical therapist
1 22 assisting, occupational therapy, occupational therapy
1 23 assisting, respiratory care, cosmetology arts and sciences,
1 24 barbering, mortuary science, marital and family therapy,
1 25 mental health counseling, social work, dietetics, massage
1 26 therapy, midwifery, athletic training, acupuncture, nursing
1 27 home administration, hearing aid dispensing, or sign language
1 28 interpreting or transliterating.
1 29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
1 30 to read as follows:
1 31 1. A person shall not engage in the practice of medicine
1 32 and surgery, podiatry, osteopathic medicine and surgery,
1 33 psychology, chiropractic, physical therapy, physical therapist
1 34 assisting, nursing, dentistry, dental hygiene, dental
1 35 assisting, optometry, speech pathology, audiology, occupational



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2 1 therapy, occupational therapy assisting, respiratory care,
2 2 pharmacy, cosmetology arts and sciences, barbering, social
2 3 work, dietetics, marital and family therapy or mental health
2 4 counseling, massage therapy, midwifery, mortuary science,
2 5 athletic training, acupuncture, nursing home administration,
2 6 hearing aid dispensing, or sign language interpreting
2 7 or transliterating, or shall not practice as a physician
2 8 assistant, unless the person has obtained a license for that
2 9 purpose from the board for the profession.
2 10 Sec. 3. Section 147.13, Code 2011, is amended by adding the
2 11 following new subsection:
2 12 NEW SUBSECTION. 24. For midwifery, the board of midwifery.
2 13 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended
2 14 by adding the following new paragraph:
2 15 NEW PARAGRAPH. x. For midwifery, a total of seven members,
2 16 three members who are licensed midwives under chapter 148F;
2 17 one member who is licensed under chapter 148, is a practicing
2 18 family physician, and has professional experience consulting
2 19 for and collaborating with direct=entry midwives; one member
2 20 who is an advanced registered nurse practitioner licensed under
2 21 chapter 152, is a certified nurse midwife, and has professional
2 22 experience consulting for and collaborating with direct=entry
2 23 midwives; and two members who are not licensed midwives or
2 24 licensed health care providers who have received direct=entry
2 25 midwifery services and who shall represent the general public.
2 26 Sec. 5. Section 147.74, Code 2011, is amended by adding the
2 27 following new subsection:
2 28 NEW SUBSECTION. 5A. A midwife licensed under chapter 148F
2 29 may use the words "licensed midwife" or the initials "L.M."
2 30 after the person's name.
2 31 Sec. 6. NEW SECTION. 148F.1 Definitions.
2 32 As used in this chapter, unless the context otherwise
2 33 requires:
2 34 1. "Board" means the board of midwifery.
2 35 2. "Licensed midwife" means a person who is licensed to



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3 1 practice midwifery as provided in this chapter.

3 2 3. "Out-of-hospital" means any facility, institution, or
3 3 place which is not an ambulatory surgical center or a hospital,
3 4 such as a birth center as defined in section 135.61 or a
3 5 private home.

3 6 4. "Practice of midwifery" means the provision of primary
3 7 maternity care during the antepartum, intrapartum, and
3 8 postpartum periods by a person who is neither licensed to
3 9 practice under chapter 148, nor a nurse recognized by the Iowa
3 10 board of nursing as an advanced registered nurse practitioner
3 11 who is a certified nurse midwife, and who is not rendering
3 12 emergency services without compensation. "Practice of
3 13 midwifery" may also include the carrying and administration
3 14 of certain medications during the practice of midwifery,
3 15 including oxytocin, as a postpartum antihemorrhagic agent,
3 16 oxygen, intravenous fluids for stabilization, vitamin K, eye
3 17 prophylactics, and other drugs or procedures as appropriate for
3 18 the scope of practice for licensed midwives as determined by
3 19 the board.

3 20 Sec. 7. NEW SECTION. 148F.2 Licensure === licensed
3 21 midwifery.

3 22 Beginning July 1, 2012, every person practicing midwifery
3 23 in this state shall be licensed pursuant to this chapter. The
3 24 board shall adopt rules pursuant to chapters 17A, 147, and 272C
3 25 establishing procedures for the licensing of new and practicing
3 26 midwives. Prior to obtaining licensure, an applicant shall
3 27 successfully pass an examination prescribed and approved by
3 28 the board as determined in rule demonstrating competencies
3 29 in at least all of the following areas: risk assessment
3 30 and management; prenatal care; management of normal labor,
3 31 birth, and postpartum; newborn care up to six weeks; and adult
3 32 cardiopulmonary resuscitation and newborn resuscitation.

3 33 Sec. 8. NEW SECTION. 148F.3 Use of title === penalty.

3 34 A person shall not use the title licensed midwife, describe
3 35 or imply that the person is a licensed midwife, or represent



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4 1 the person as a licensed midwife unless the person is granted a
4 2 license under this chapter or is licensed as a nurse=midwife
4 3 under chapter 152.
4 4 Sec. 9. NEW SECTION. 148F.4 Rules.
4 5 1. The board shall:
4 6 a. Adopt rules relating to standards for professional
4 7 conduct of persons licensed under this chapter.
4 8 b. Adopt rules consistent with this chapter and with
4 9 chapters 147 and 272C which are necessary for the performance
4 10 of its duties.
4 11 c. Act on matters concerning licensure and the processes
4 12 of applying for, granting, suspending, imposing supervisory
4 13 or probationary conditions upon, reinstating, and revoking a
4 14 license.
4 15 d. Administer the provisions of this chapter requiring
4 16 documentation required to demonstrate competence as a midwife,
4 17 and the processing of applications for licenses and license
4 18 renewal.
4 19 e. Develop continuing education requirements as a condition
4 20 of license renewal.
4 21 f. Evaluate requirements for licensure in other states to
4 22 determine if reciprocity may be granted.
4 23 g. Establish and collect licensure fees as provided in
4 24 section 147.80 and retain fees as provided in section 147.82.
4 25 h. Adopt guidelines encouraging the development
4 26 of collaborative relationships with other health care
4 27 practitioners who can provide care outside of the scope of the
4 28 practice of midwifery when necessary.
4 29 i. Establish procedures for the issuance, renewal, and
4 30 revocation or suspension of a license under this chapter.
4 31 j. Maintain a registry of licensed midwives and statistics
4 32 on the practice of midwifery utilizing vital statistics data.
4 33 2. In establishing rules, the board shall consult with
4 34 persons knowledgeable regarding the prenatal and postpartum
4 35 birth process, particularly those possessing experience with



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5 1 out-of-hospital births, including but not limited to persons
5 2 licensed under chapter 148, certified professional midwives,
5 3 advanced registered nurse practitioners who are certified nurse
5 4 midwives, and women who have given birth in an out-of-hospital
5 5 setting.

5 6 3. Rules relating to the practice of midwifery shall
5 7 not be inconsistent with the North American registry of
5 8 midwives' current job description for the profession and the
5 9 standards of practice of midwifery established by the national
5 10 association of certified professional midwives or a successor
5 11 organization, and shall not expand the scope of practice of
5 12 midwifery established by the national association of certified
5 13 professional midwives or a successor organization.

5 14 Sec. 10. NEW SECTION. 148F.5 Client disclosure.

5 15 Prior to accepting a patient for midwifery care, a licensed
5 16 midwife shall provide information indicating all of the
5 17 following:

5 18 1. Evidence that the care provider is a licensed midwife
5 19 meeting the requirements of this chapter.

5 20 2. Whether the licensed midwife has malpractice liability
5 21 insurance coverage and the policy limits of such coverage.

5 22 3. The midwife's educational background and relevant
5 23 experience, including experience in various birth settings.

5 24 4. The nature, scope, and location of the care to be
5 25 given, including the possibility of and the guidelines for
5 26 consultation, referral, or transfer of the patient to a
5 27 hospital from an out-of-hospital setting.

5 28 Sec. 11. NEW SECTION. 148F.6 Exceptions.

5 29 1. This chapter does not prevent qualified members of other
5 30 professions including but not limited to individuals licensed
5 31 under chapter 148 or 152 from providing services consistent
5 32 with the nature of the practice of midwifery.

5 33 2. This chapter does not prevent or prohibit a student
5 34 midwife from performing tasks related to the practice of
5 35 midwifery under the supervision of a licensed midwife, a



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6 1 certified nurse midwife, or a licensed physician during
6 2 completion of the licensure process.

6 3 3. The practice of midwifery in this state prior to July
6 4 1, 2011, shall not constitute grounds for disciplinary action
6 5 by the board. The board may issue a license to a person who
6 6 has practiced midwifery in this state upon application and
6 7 compliance with the provisions of this chapter and the rules
6 8 adopted pursuant to this chapter.

6 9 Sec. 12. NEW SECTION. 148F.7 Prohibited practice.

6 10 A person shall not practice midwifery, or represent that the
6 11 person is a midwife, unless the person is licensed as provided
6 12 in this chapter.

6 13 Sec. 13. NEW SECTION. 148F.8 Requirements for licensure ====
6 14 temporary license.

6 15 Beginning July 1, 2012, an individual who does not meet the
6 16 requirements for licensure by examination pursuant to section
6 17 148F.2 may apply for a one=year temporary license as determined
6 18 by the board in rules. Renewal of the temporary license shall
6 19 be determined by the board. The board may revoke a temporary
6 20 license if it determines that the temporary licensee has
6 21 violated standards established by rule.

6 22 Sec. 14. Section 272C.1, subsection 6, Code 2011, is amended
6 23 by adding the following new paragraph:

6 24 NEW PARAGRAPH. ag. The board of midwifery, created pursuant
6 25 to chapter 147.

6 26 Sec. 15. Section 272C.4, subsection 6, Code 2011, is amended
6 27 to read as follows:

6 28 6. Define by rule acts or omissions that are grounds for
6 29 revocation or suspension of a license under section 100D.5,
6 30 105.22, 147.55, 148.6, 148B.7, 148F.4, 152.10, 153.34, 154A.24,
6 31 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
6 32 or 602.3203 or chapter 151 or 155, as applicable, and to define
6 33 by rule acts or omissions that constitute negligence, careless
6 34 acts, or omissions within the meaning of section 272C.3,
6 35 subsection 2, paragraph "b", which licensees are required to



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7 1 report to the board pursuant to section 272C.9, subsection 2.

7 2 Sec. 16. INITIAL APPOINTMENTS.

7 3 1. Notwithstanding any provision to the contrary in this
7 4 Act, initial professional appointees to the board of midwifery
7 5 shall fulfill the national certification requirements of the
7 6 North American registry of midwives.

7 7 2. One of the initial professional appointments to the
7 8 board shall be appointed for a one=year term, one member shall
7 9 be appointed for a two=year term, and one member shall be
7 10 appointed for a three=year term. The members who are licensed
7 11 under chapter 148 or 152 shall each be appointed for a two=year
7 12 term, and the members representing the general public shall
7 13 each be appointed to a three=year term.

7 14 Sec. 17. EFFECTIVE DATE. The sections of this Act amending
7 15 section 147.2, subsection 1, and enacting section 148F.8 take
7 16 effect July 1, 2012.

7 17	EXPLANATION
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7 18 This bill creates new Code chapter 148F that provides for
7 19 the licensure of midwives beginning July 1, 2012. A midwife
7 20 is not an allopathic or osteopathic physician licensed under
7 21 Code chapter 148 or a nurse licensed under Code chapter
7 22 152 providing primary maternity care during the antepartum,
7 23 intrapartum, and postpartum periods.

7 24 The bill provides for the establishment of a seven-member
7 25 board of midwifery consisting of three members who are
7 26 midwives, one physician, one nurse, and two members who
7 27 represent the general public. The bill provides for fees to
7 28 fund the board and provides penalties for violation of the
7 29 practice requirement; those penalties are set out for all
7 30 health-related boards in Code chapters 147 and 272C. Code
7 31 section 147.86 provides that it is a serious misdemeanor to
7 32 violate a provision of the licensing laws.

7 33 The board is similar in composition and responsibilities to
7 34 other health-related licensing boards.

7 35 The provisions of the bill amending Code section 147.2 and



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8 1 enacting Code section 148F.8, both prohibiting the practice of
8 2 midwifery without a license, take effect July 1, 2012.

LSB 2147SC (3) 84

jr/nh



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SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to the licensure of the practice of
2 naturopathic medicine.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1801XC (3) 84
jr/nh



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1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
1 2 are amended to read as follows:
1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician
1 5 and surgeon, naturopathic physician, physician assistant,
1 6 psychologist, chiropractor, nurse, dentist, dental hygienist,
1 7 dental assistant, optometrist, speech pathologist, audiologist,
1 8 pharmacist, physical therapist, physical therapist assistant,
1 9 occupational therapist, occupational therapy assistant,
1 10 respiratory care practitioner, practitioner of cosmetology
1 11 arts and sciences, practitioner of barbering, funeral
1 12 director, dietitian, marital and family therapist, mental
1 13 health counselor, social worker, massage therapist, athletic
1 14 trainer, acupuncturist, nursing home administrator, hearing aid
1 15 dispenser, or sign language interpreter or transliterator means
1 16 a person licensed under this subtitle.
1 17 6. "Profession" means medicine and surgery, podiatry,
1 18 osteopathic medicine and surgery, naturopathic medicine,
1 19 practice as a physician assistant, psychology, chiropractic,
1 20 nursing, dentistry, dental hygiene, dental assisting,
1 21 optometry, speech pathology, audiology, pharmacy, physical
1 22 therapy, physical therapist assisting, occupational therapy,
1 23 occupational therapy assisting, respiratory care, cosmetology
1 24 arts and sciences, barbering, mortuary science, marital
1 25 and family therapy, mental health counseling, social work,
1 26 dietetics, massage therapy, athletic training, acupuncture,
1 27 nursing home administration, hearing aid dispensing, or sign
1 28 language interpreting or transliterating.
1 29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
1 30 to read as follows:
1 31 1. A person shall not engage in the practice of medicine
1 32 and surgery, podiatry, osteopathic medicine and surgery,
1 33 naturopathic medicine, psychology, chiropractic, physical
1 34 therapy, physical therapist assisting, nursing, dentistry,
1 35 dental hygiene, dental assisting, optometry, speech pathology,



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2 1 audiology, occupational therapy, occupational therapy
2 2 assisting, respiratory care, pharmacy, cosmetology arts and
2 3 sciences, barbering, social work, dietetics, marital and
2 4 family therapy or mental health counseling, massage therapy,
2 5 mortuary science, athletic training, acupuncture, nursing
2 6 home administration, hearing aid dispensing, or sign language
2 7 interpreting or transliterating, or shall not practice as a
2 8 physician assistant, unless the person has obtained a license
2 9 for that purpose from the board for the profession.
2 10 Sec. 3. Section 147.13, subsection 1, Code 2011, is amended
2 11 to read as follows:
2 12 1. For medicine and surgery, osteopathic medicine and
2 13 surgery, ~~and~~ acupuncture, and naturopathic medicine, the board
2 14 of medicine.
2 15 Sec. 4. Section 147.74, Code 2011, is amended by adding the
2 16 following new subsection:
2 17 NEW SUBSECTION. 22A. A naturopathic physician licensed
2 18 under chapter 148F may use the words "naturopathic physician",
2 19 "naturopathic doctor", "doctor of naturopathy", "naturopathic
2 20 medical doctor", "doctor of naturopathic medicine",
2 21 "naturopath" or the initials "N.D." or "N.M.D." after the
2 22 person's name.
2 23 Sec. 5. Section 147.107, Code 2011, is amended by adding the
2 24 following new subsection:
2 25 NEW SUBSECTION. 8A. Notwithstanding provisions of this
2 26 section to the contrary, a licensed naturopathic physician may
2 27 prescribe all substances and devices consistent within the
2 28 level of training of the naturopathic physician unless added
2 29 to the exclusionary naturopathic formulary by the naturopathic
2 30 advisory council.
2 31 Sec. 6. Section 148E.3, subsection 1, Code 2011, is amended
2 32 to read as follows:
2 33 1. A person otherwise licensed to practice medicine and
2 34 surgery, osteopathic medicine and surgery, naturopathic
2 35 medicine, chiropractic, podiatry, or dentistry who is



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3 1 exclusively engaged in the practice of the person's profession.
3 2 Sec. 7. NEW SECTION. 148F.1 Definitions.
3 3 As used in this chapter, unless the context otherwise
3 4 requires:
3 5 1. "Approved naturopathic medical program" means any of the
3 6 following:
3 7 a. A naturopathic medical education program in the
3 8 United States providing the degree of doctor of naturopathy
3 9 or doctor of naturopathic medicine. Such program shall
3 10 offer graduate=level, full=time didactic and supervised
3 11 clinical training and shall be accredited, or shall have
3 12 achieved candidacy status for accreditation by the council
3 13 on naturopathic medical education or by an equivalent
3 14 federally recognized accrediting body for naturopathic medical
3 15 programs also recognized by the board. Additionally, the
3 16 program shall be an institution, or part of an institution of
3 17 higher education that is either accredited or is a candidate
3 18 for accreditation by a regional or national institutional
3 19 accrediting agency recognized by the United States secretary
3 20 of education.
3 21 b. A degree=granting college or university that, prior
3 22 to the existence of the council on naturopathic medicinal
3 23 education, offered a full=time, structured curriculum in
3 24 basic sciences and supervised patient care comprising a
3 25 doctoral naturopathic medical education; such curriculum, as
3 26 a prerequisite to graduation, consisted of not less than one
3 27 hundred thirty=two weeks of study and required completion
3 28 within a period of not less than thirty=five months; such
3 29 college or university of naturopathic medicine shall have been
3 30 reputable and in good standing in the judgment of the board,
3 31 and if still in existence, shall have current programmatic
3 32 accreditation by the council on naturopathic medical education
3 33 or an equivalent federally recognized accrediting agency.
3 34 c. A diploma=granting, degree=equivalent college or
3 35 university in Canada, that prior to accreditation by the



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4 1 council on naturopathic medical education, had provincial
4 2 approval for participation in government=funded student aid
4 3 programs, and that offered a full=time, structured curriculum
4 4 in basic sciences and supervised patient care comprising a
4 5 doctoral naturopathic medical education; such curriculum, as
4 6 a prerequisite to graduation, consisted of not less than one
4 7 hundred thirty=two weeks of study and required completion
4 8 within a period of not less than thirty=five months; such
4 9 college or university of liberal arts and naturopathic medicine
4 10 shall have been reputable and in good standing in the judgment
4 11 of the board and, if still in existence, shall have current
4 12 programmatic accreditation by the council of naturopathic
4 13 medical education or an equivalent federally recognized
4 14 accrediting agency. Additionally, the college or university
4 15 currently shall have provincial approval for participation in
4 16 government=funded student aid programs.

4 17 d. A diploma=granting, degree=equivalent college or
4 18 university in Canada that offers graduate=level, full=time
4 19 didactic and supervised clinical training and is accredited, or
4 20 has achieved candidacy status for accreditation by the council
4 21 on naturopathic medical education or an equivalent federally
4 22 recognized accrediting body for naturopathic medical programs
4 23 also recognized by the board; and the college or university
4 24 has provincial approval for participation in government=funded
4 25 student aid.

4 26 2. "Board" means the board of medicine established in
4 27 section 147.13.

4 28 3. "Director" means the executive director of the board of
4 29 medicine.

4 30 4. "Exclusionary naturopathic formulary" means the
4 31 exclusionary list of medicines, nonprescription and
4 32 prescription, which naturopathic physicians may not use in the
4 33 practice of their profession, as determined by the naturopathic
4 34 advisory council.

4 35 5. "Minor office procedures" means methods for the repair



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5 1 and care incidental to superficial lacerations and abrasions,
5 2 superficial lesions, and the removal of foreign bodies located
5 3 in the superficial tissues.
5 4 6. "Naturopathic advisory council" means the naturopathic
5 5 advisory council as established under this chapter.
5 6 7. "Naturopathic childbirth attendance" means the specialty
5 7 practice of natural childbirth by a naturopathic physician that
5 8 includes the management of normal pregnancy, normal labor and
5 9 delivery, and the normal postpartum period, including normal
5 10 newborn care.
5 11 8. "Naturopathic medicine" means a system of primary health
5 12 care for the prevention, diagnosis, and treatment of human
5 13 health conditions, injury, and disease, and the promotion or
5 14 restoration of health. "Naturopathic medicine" includes the use
5 15 of physiological, psychological, or mechanical methods, and the
5 16 use of natural medicines, prescription or legend drugs, foods,
5 17 herbs, or other natural remedies.
5 18 9. "Naturopathic physician" means a practitioner of
5 19 naturopathic medicine who has been properly licensed for that
5 20 purpose by the board of medicine under this chapter, who may
5 21 diagnose, treat, and help prevent diseases using a system
5 22 of practice that is based on the natural healing capacity
5 23 of individuals, and may use physiological, psychological,
5 24 or mechanical methods, and may use natural medicines,
5 25 prescription, or legend drugs, foods, herbs, or other natural
5 26 remedies.
5 27 10. "Prescription drug" means any drug described in section
5 28 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C. {
5 29 353, if its label is required to bear the symbol "RX only".
5 30 Sec. 8. NEW SECTION. 148F.2 Licensure ==== naturopathic
5 31 medicine.
5 32 1. Qualifications for licensure. An applicant for a license
5 33 to practice naturopathic medicine shall be granted a license
5 34 by the board if the applicant satisfies all of the following
5 35 requirements:



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- 6 1 a. Submits an application for licensure designed and
6 2 approved by the naturopathic advisory council.
6 3 b. Pays an application fee established by the board.
6 4 c. Has graduated from an approved naturopathic medical
6 5 program.
6 6 d. Has passed a competency-based national naturopathic
6 7 licensing examination administered by the north American board
6 8 of naturopathic examiners or successor agency, that has been
6 9 nationally recognized to administer a naturopathic examination
6 10 representing federal standards of education and training. For
6 11 applicants who completed an approved naturopathic medical
6 12 program located in Canada, eligibility for licensure may be
6 13 granted with evidence of successful passage of a Canadian
6 14 provincial competency examination.
6 15 e. Provides evidence that the applicant is of good ethical
6 16 and professional reputation. An applicant shall not have had
6 17 a license to practice naturopathic medicine or other health
6 18 care license registration or certificate refused, revoked,
6 19 or suspended by this state or any other jurisdiction for
6 20 reasons that relate to the applicant's ability to skillfully
6 21 and safely practice naturopathic medicine unless that license,
6 22 registration, or certification has been restored to good
6 23 standing.
6 24 f. Provides evidence that the applicant is physically and
6 25 mentally capable of safely practicing naturopathic medicine
6 26 with or without reasonable accommodation.
6 27 2. Term of license. A license granted pursuant to this
6 28 section shall be renewed every two years.
6 29 3. Natural childbirth attendance privileges. An applicant
6 30 seeking privileges to perform natural childbirth attendance
6 31 shall satisfy all of the additional requirements:
6 32 a. Graduation from a naturopathic midwifery or naturopathic
6 33 obstetrics program that is offered by an approved naturopathic
6 34 medical program.
6 35 b. Passage of the north American registry of midwives



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7 1 examination or the American college of naturopathic
7 2 obstetricians examination.
7 3 c. The board may adopt other requirements by rule, based on
7 4 recommendations of the naturopathic advisory council.
7 5 Sec. 9. NEW SECTION. 148F.3 Use of title ==== exceptions.
7 6 1. A person shall not represent that the person is a
7 7 naturopathic physician, a doctor of naturopathic medicine, a
7 8 doctor of naturopathy, a naturopath, or as being otherwise
7 9 authorized to practice naturopathic medicine in this state, or
7 10 use the titles "N.D." or "N.M.D." or any other titles, words,
7 11 letters, abbreviations, or insignia indicating or implying that
7 12 the individual is a licensed naturopathic physician unless
7 13 the individual has been licensed as a naturopathic physician
7 14 pursuant to this chapter without first obtaining from the board
7 15 a license to practice naturopathic medicine pursuant to the
7 16 provisions of this chapter.
7 17 2. The practice of naturopathic medicine by a naturopathic
7 18 physician licensed pursuant to this chapter does not constitute
7 19 the practice of medicine and surgery under chapter 148, the
7 20 practice of osteopathic medicine and surgery under chapter 148,
7 21 or the practice of nursing under chapter 152.
7 22 3. This chapter and chapter 147 do not prevent qualified
7 23 members of other professions including but not limited
7 24 to individuals licensed under chapter 148, 150, 150A, or
7 25 152 from providing services consistent with the nature of
7 26 naturopathic medicine, but these persons shall not use a title
7 27 or description denoting that they are licensed naturopathic
7 28 physicians.
7 29 Sec. 10. NEW SECTION. 148F.4 Duties of board.
7 30 The board shall adopt rules consistent with this chapter,
7 31 chapter 147, and as recommended by the naturopathic advisory
7 32 council which are necessary for the performance of its duties.
7 33 Sec. 11. NEW SECTION. 148F.5 Naturopathic advisory council.
7 34 1. A naturopathic advisory council is established,
7 35 consisting of the following members:



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8 1 a. Three members who are naturopathic physicians eligible
8 2 for licensure, appointed by the governor.
8 3 b. One member who is a pharmacist licensed in Iowa,
8 4 appointed by the governor.
8 5 c. One member who is a medical or osteopathic physician
8 6 licensed in Iowa, who has expertise in natural or integrative
8 7 medicine.
8 8 2. Members shall not receive per diem or expense payments.
8 9 3. Members shall serve two-year terms, and shall serve until
8 10 their successors have been appointed.
8 11 4. The council shall select a chairperson from its
8 12 membership.
8 13 Sec. 12. NEW SECTION. 148F.6 Council powers and duties.
8 14 The naturopathic advisory council shall do all of the
8 15 following:
8 16 1. Advise the board regarding standards for licensed
8 17 naturopathic physicians.
8 18 2. Provide for distribution of information regarding
8 19 licensed naturopathic physician standards.
8 20 3. Advise the board on enforcement issues.
8 21 4. Review applications for licensure and license renewal
8 22 and recommend the granting or denial thereof.
8 23 5. Advise the board on issues related to receiving and
8 24 investigating complaints, conducting hearings, and imposing
8 25 disciplinary action in relation to complaints against licensed
8 26 naturopathic physicians.
8 27 6. Review naturopathic education and training for and
8 28 make specific recommendations to the board regarding the
8 29 qualifications to practice naturopathic childbirth attendance.
8 30 7. Recommend to the board any prescription drugs which
8 31 should be included on the exclusionary naturopathic formulary.
8 32 8. Advise the board regarding approval of continuing
8 33 education programs specific to naturopathic practice.
8 34 Sec. 13. NEW SECTION. 148F.7 Scope of practice.
8 35 A naturopathic physician may do any of the following:



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- 9 1 1. Order and perform physical and laboratory examinations
9 2 consistent with naturopathic education and training for
9 3 diagnostic purposes, including but not limited to phlebotomy,
9 4 clinical laboratory tests, orificial examinations, and
9 5 physiological function tests.
- 9 6 2. Order diagnostic imaging studies consistent with
9 7 naturopathic training. All diagnostic tests not consistent
9 8 with naturopathic medical education and training must be
9 9 referred for performance and interpretation to an appropriately
9 10 licensed health care professional.
- 9 11 3. Dispense, administer, order, and prescribe, provide, or
9 12 perform the following, as applicable:
- 9 13 a. Food, extracts of food, nutraceuticals, vitamins, amino
9 14 acids, minerals, enzymes, botanicals and their extracts,
9 15 botanical medicines, homeopathic medicines, and all dietary
9 16 supplements and nonprescription drugs as defined by the federal
9 17 Food, Drug, and Cosmetic Act, 21 U.S.C. { 301 et seq.
- 9 18 b. Prescription or legend drugs and hormonal replacement.
- 9 19 c. Hot or cold hydrotherapy, naturopathic physical medicine,
9 20 and therapeutic exercise.
- 9 21 d. Devices, including but not limited to therapeutic
9 22 devices, barrier contraception, and durable medical equipment.
- 9 23 e. Health education and health counseling.
- 9 24 f. Repair and care incidental to superficial lacerations and
9 25 abrasions.
- 9 26 g. Removal of foreign bodies located in the superficial
9 27 tissues.
- 9 28 h. Musculoskeletal manipulation consistent with
9 29 naturopathic education and training.
- 9 30 4. Utilize routes of administration that include oral,
9 31 nasal, auricular, ocular, rectal, vaginal, transdermal,
9 32 intradermal, subcutaneous, intravenous, and intramuscular
9 33 consistent with the education and training of a naturopathic
9 34 physician.
- 9 35 5. Perform all therapies as trained and educated, and



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10 1 approved by the naturopathic advisory council.
10 2 Sec. 14. NEW SECTION. 148F.8 Prohibitions.
10 3 A naturopathic physician licensed under this chapter shall
10 4 not do any of the following:
10 5 1. Perform or induce abortions.
10 6 2. Perform surgical procedures except those minor office
10 7 procedures authorized by this chapter.
10 8 3. Practice or claim to practice as a medical or osteopathic
10 9 physician, dentist, podiatrist, optometrist, psychologist,
10 10 advanced practice registered nurse, physician assistant,
10 11 chiropractor, physical therapist, acupuncturist, or any other
10 12 health care provider not authorized in this chapter unless
10 13 licensed by the state of Iowa as such.
10 14 4. Use general or spinal anesthetics.
10 15 5. Administer ionizing radioactive substances for
10 16 therapeutic purposes.
10 17 6. Administer or prescribe chemotherapeutic medications for
10 18 the purpose of cancer treatment.
10 19 7. Perform surgical procedures of the eye, ear, nerves,
10 20 veins, or arteries extending beyond superficial tissue.
10 21 Sec. 15. NEW SECTION. 148F.9 Exemptions.
10 22 Nothing in this chapter shall be construed to prohibit or
10 23 restrict:
10 24 1. The practice of a profession by individuals who are
10 25 licensed, certified, or registered under other laws of this
10 26 state who are performing services within their authorized scope
10 27 of practice.
10 28 2. The practice of naturopathic medicine by an individual
10 29 employed by the government of the United States while the
10 30 individual is engaged in the performance of duties prescribed
10 31 by the laws and regulations of the United States.
10 32 3. The practice of naturopathic medicine by students
10 33 enrolled in an approved naturopathic medical program. The
10 34 performance of services shall be pursuant to a course of
10 35 instruction or assignments from an instructor and under the



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11 1 supervision of the instructor. The instructor shall be a
11 2 naturopathic physician licensed pursuant to this chapter or a
11 3 duly licensed professional in the instructed field.
11 4 4. Persons from treating themselves and family members
11 5 based on religious or health beliefs.
11 6 5. Persons who sell vitamins and herbs from providing
11 7 information about their products.
11 8 6. Persons or practitioners from advising in the use of
11 9 a therapy, including but not limited to: herbal medicine,
11 10 homeopathy, nutrition, or other nondrug or nonsurgical therapy
11 11 that is within the scope of practice of naturopathic physicians
11 12 as outlined in this chapter as long as such therapy is lawful,
11 13 or, if a licensed health care provider, within the scope of
11 14 practice of the profession; and provided that such person is
11 15 not using a title protected pursuant to this chapter or holding
11 16 themselves out to be a naturopathic physician.
11 17 7. The practice of naturopathic medicine by persons who
11 18 are licensed to practice in any other state as practicing
11 19 naturopathic physicians, who enter this state to consult with
11 20 a licensed naturopathic physician in this state; provided,
11 21 however, that the consultation is to be limited to examination,
11 22 recommendation, or testimony in litigation.

11 23 EXPLANATION

11 24 This bill requires the licensing of naturopathic physicians.
11 25 The bill provides that the practice of naturopathic medicine
11 26 means the provision of naturopathic services defined as a
11 27 system of primary health care for the prevention, diagnosis,
11 28 and treatment of human health conditions, injury, and disease,
11 29 and the promotion or restoration of health. Naturopathic
11 30 medicine includes the use of physiological, psychological,
11 31 or mechanical methods, and the use of natural medicines,
11 32 prescription or legend drugs, foods, herbs, or other natural
11 33 remedies. The bill specifies qualifications for licensure and
11 34 the scope of practice for a naturopathic physician, and details
11 35 functions that a naturopathic physician may not perform.



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12 1 The practice of naturopathic medicine is regulated by the
12 2 board of medicine, with the advice of a naturopathic advisory
12 3 council. The council consists of five members, three of
12 4 whom are naturopathic physicians, one medical or osteopathic
12 5 physician, and a pharmacist. The council does not receive per
12 6 diem or expenses.
12 7 The bill provides that qualified members of other
12 8 professions, including physicians and nurses, are not prevented
12 9 from providing services consistent with naturopathic medicine,
12 10 but these persons shall not use a title or description denoting
12 11 that they are naturopathic physicians. The bill sets out these
12 12 titles.

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Senate Study Bill 1067

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to the performance of routine maintenance
2 of a fire protection system and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1937XC (3) 84
jr/rj



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1 1 Section 1. Section 100D.1, subsection 11, Code 2011, is
1 2 amended to read as follows:
1 3 11. "Routine maintenance" means the repair or replacement
1 4 of existing fire protection system components of the same size
1 5 and type for which no changes in configuration are made, ~~and~~
~~1 6 does not include any new installation or the expansion or~~
~~1 7 extension of any existing fire protection system including the~~
1 8 replacement of sprinkler heads or nozzles and the temporary
1 9 disabling and subsequent restarting of a system as necessary to
1 10 perform such routine maintenance. "Routine maintenance" does
1 11 not include any new installation or the expansion or extension
1 12 of any existing fire protection system.
1 13 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 14 immediate importance, takes effect upon enactment.
1 15 EXPLANATION
1 16 This bill revises the definition of routine maintenance of
1 17 a fire protection system, expanding the definition to include
1 18 the replacement of sprinkler heads or nozzles and the temporary
1 19 disabling and subsequent restarting of a system as necessary to
1 20 perform such routine maintenance.
1 21 Persons who perform only routine maintenance are not
1 22 required to be licensed.
1 23 The bill takes effect upon enactment.
LSB 1937XC (3) 84
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Iowa General Assembly
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Senate Study Bill 1068

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to local and regional planning and creating a
2 state office of planning and geographic information systems
3 within the department of economic development and making
4 appropriations.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1345SC (1) 84
aw/rj



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1 1 Section 1. NEW SECTION. 15.221 Office of planning and
1 2 geographic information systems created ==== appropriation.
1 3 1. An office of planning and geographic information systems
1 4 is created within the department of economic development
1 5 responsible for developing the state's interest in coordinated
1 6 and integrated local and regional land use planning, and for
1 7 administering a statewide geographic information and data
1 8 system. The duties of the office shall include all of the
1 9 following:
1 10 a. Planning coordination for which the office shall do all
1 11 of the following:
1 12 (1) Develop and coordinate smart planning educational
1 13 programming for planning professionals, elected officials, and
1 14 the public, as approved by the coordinating council created in
1 15 section 15.222.
1 16 (2) Establish a publicly accessible electronic repository
1 17 for local and regional comprehensive plans.
1 18 (3) Provide an annual smart planning report to the governor
1 19 and general assembly by November 1.
1 20 (4) Administer and deliver smart planning technical and
1 21 financial assistance to regional organizations and local
1 22 governments.
1 23 (5) Establish an appeals process to allow for the review of
1 24 local comprehensive plans for qualification as a smart plan as
1 25 set out in section 28H.3, subsection 6.
1 26 (6) Work with other state agencies to incorporate the smart
1 27 planning principles set out in section 18B.1 into new and
1 28 existing programs, including the state's enterprise strategic
1 29 planning process, with consideration for providing incentives
1 30 for the use of smart planning principles.
1 31 (7) Provide staff support to the coordinating council for
1 32 the office of planning and geographic information systems.
1 33 (8) Provide staff support to the Iowa smart planning task
1 34 force established by 2010 Iowa Acts, chapter 1184, section
1 35 25, through December 31, 2012, in collaboration with the Iowa



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2 1 association of regional councils, as organized by the councils
2 2 of governments established under chapter 28H.
2 3 b. The development of geographic information and data
2 4 management systems which shall include all of the following:
2 5 (1) Development and maintenance of a centralized geographic
2 6 information system enterprise and data distribution network.
2 7 (2) Provision of technical assistance to local, regional,
2 8 and state geographic information systems providers and users.
2 9 (3) Creation of standards for geographic information
2 10 systems and data for the centralized network.
2 11 2. Four full-time equivalent positions shall be designated
2 12 for this office commencing with the fiscal year beginning July
2 13 1, 2011. There is annually appropriated from the general
2 14 fund of the state four hundred fifty thousand dollars to the
2 15 department of economic development for the operation of this
2 16 office.
2 17 Sec. 2. NEW SECTION. 15.222 Coordinating council created.
2 18 1. A coordinating council is created for the office of
2 19 planning and geographic information systems which shall consist
2 20 of the following twenty-one members:
2 21 a. One representative selected by the Iowa league of cities,
2 22 from a city having a population of five thousand or less
2 23 according to the most recent certified federal census.
2 24 b. One representative selected by the Iowa league of cities,
2 25 from a city having a population of more than five thousand and
2 26 less than twenty-five thousand according to the most recent
2 27 certified federal census.
2 28 c. One representative selected by the Iowa league of cities,
2 29 from a city having a population of twenty-five thousand or more
2 30 according to the most recent certified federal census.
2 31 d. One representative selected by the Iowa state association
2 32 of counties from a rural county not considered part of a
2 33 metropolitan statistical area according to the most recent
2 34 certified federal census.
2 35 e. One representative selected by the Iowa state association



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3 1 of counties from an urban county considered part of a
3 2 metropolitan statistical area according to the most recent
3 3 certified federal census.
3 4 f. One representative selected by the Iowa association of
3 5 regional councils, as organized by the councils of governments
3 6 established under chapter 28H.
3 7 g. One representative from the state university of Iowa
3 8 selected by the university president.
3 9 h. One representative from the Iowa state university of
3 10 science and technology selected by the university president.
3 11 i. One representative from the university of northern Iowa
3 12 selected by the university president.
3 13 j. The directors or administrators or their representatives
3 14 from the following departments or divisions:
3 15 (1) Department of agriculture and land stewardship.
3 16 (2) Department of cultural affairs.
3 17 (3) Department of economic development.
3 18 (4) Department of management.
3 19 (5) Department of natural resources.
3 20 (6) Department of transportation.
3 21 (7) Homeland security and emergency management division of
3 22 the department of public defense.
3 23 k. Five representatives appointed by the governor.
3 24 2. The appointments made by the Iowa league of cities, Iowa
3 25 state association of counties, Iowa association of regional
3 26 councils, and governor shall be coordinated so that appointees
3 27 are appointed to three-year staggered terms and there is broad
3 28 geographic representation from around the state.
3 29 3. The council shall meet annually in May for the purpose of
3 30 electing one of its members as chairperson.
3 31 Sec. 3. NEW SECTION. 15.223 Duties of the coordinating
3 32 council.
3 33 The coordinating council shall do all of the following:
3 34 1. Establish priorities for the office of planning and
3 35 geographic information systems.



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4 1 2. Make investment decisions relating to state funding
4 2 support for the office and for local smart plan development and
4 3 implementation.
4 4 3. Establish criteria for implementation of a statewide
4 5 geographic information system.
4 6 4. Establish technical advisory committees as necessary.
4 7 5. Review and qualify regional smart plans.
4 8 Sec. 4. NEW SECTION. 15.224 Local planning grant program
4 9 ==== appropriation.
4 10 1. The office of planning and geographic information
4 11 systems shall establish and administer a local planning grant
4 12 program to assist cities and counties in the development and
4 13 updating of local comprehensive plans. The grant program shall
4 14 require a local match of funding provided by the program.
4 15 2. Plans funded through this grant program shall
4 16 incorporate and be based upon the Iowa smart planning
4 17 principles set out in section 18B.1 and follow local
4 18 comprehensive planning and development guidelines as specified
4 19 in section 18B.2.
4 20 3. No more than one-half of the funds may be used to support
4 21 development of detailed implementation plans within five years
4 22 of adoption of a local comprehensive plan that incorporates the
4 23 smart planning principles and follows state guidance found in
4 24 sections 18B.1 and 18B.2.
4 25 4. The office shall encourage the development and updating
4 26 of multijurisdictional plans.
4 27 5. Commencing with the fiscal year beginning July 1, 2011,
4 28 there is annually appropriated from the general fund of the
4 29 state to the office five hundred thousand dollars for the
4 30 operation of this grant program.
4 31 Sec. 5. NEW SECTION. 15.225 Smart planning education
4 32 program.
4 33 1. A fund is established under the control of the office
4 34 of planning and geographic information systems to support the
4 35 development of a program to make smart planning educational



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5 1 materials, workshops, and other necessary activities available
5 2 to professional planners, elected officials, and other
5 3 interested persons. The program shall be developed through
5 4 collaboration among the office, the Iowa league of cities, the
5 5 Iowa state association of counties, the Iowa association of
5 6 regional councils, and the three regents universities.
5 7 2. Programming shall focus on the benefits of smart planning
5 8 for cities, counties, and regional planning organizations, and
5 9 the components of smart planning in terms of plan elements and
5 10 plan implementation.
5 11 3. Programming shall reflect the Iowa smart planning
5 12 principles set out in section 18B.1.
5 13 4. The office shall develop and gather information and
5 14 examples which delineate the smart planning process and smart
5 15 planning principles. The office shall administer, gather, and
5 16 make accessible all of the following types of materials:
5 17 a. Model plans, ordinances, zoning codes, energy codes,
5 18 building codes, and permitting mechanisms.
5 19 b. Model regulatory mechanisms.
5 20 c. Examples of best practices and lessons learned from poor
5 21 planning and development decisions.
5 22 d. A clearinghouse of grant opportunities and contact
5 23 information for further assistance.
5 24 e. A menu of low=cost planning services available to cities,
5 25 counties, and regional planning organizations through nonprofit
5 26 and private organizations.
5 27 Sec. 6. Section 28H.1, Code 2011, is amended by adding the
5 28 following new unnumbered paragraphs:
5 29 NEW UNNUMBERED PARAGRAPH A regional planning and
5 30 implementation entity shall be established or identified to
5 31 incorporate Boone, Dallas, Jasper, Marion, Polk, Story, and
5 32 Warren counties by January 1, 2015.
5 33 NEW UNNUMBERED PARAGRAPH There is annually appropriated
5 34 seven hundred twenty thousand dollars from the state general
5 35 fund to the department of economic development for the support



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6 1 of regional planning administration, including local plan
6 2 review and regional plan development, commencing with the
6 3 fiscal year beginning July 1, 2011. These funds shall be
6 4 distributed to each region in the amount of forty thousand
6 5 dollars per region, and forty thousand dollars shall be
6 6 distributed to the regional planning and implementation entity
6 7 serving Boone, Dallas, Jasper, Marion, Polk, Story, and Warren
6 8 counties once such an entity is identified.

6 9 Sec. 7. Section 28H.3, Code 2011, is amended by adding the
6 10 following new subsections:

6 11 NEW SUBSECTION. 5. Prepare a regional comprehensive plan
6 12 which shall be updated every five years. The plan shall be
6 13 subject to the review and approval of the office of planning
6 14 and geographic information systems created in section 18C.1,
6 15 and shall do all of the following:

6 16 a. Integrate the Iowa smart planning principles set out in
6 17 and follow the local comprehensive planning guidance provided
6 18 under section 18B.1.

6 19 b. Integrate the watershed goals and strategies, developed
6 20 by the department of natural resources set out in section
6 21 466B.33, for any overlaying river basin or river region.

6 22 c. Outline a process for cooperation, collaboration,
6 23 and decision making between member governments for
6 24 multijurisdictional projects and programs.

6 25 NEW SUBSECTION. 6. Establish a planning review committee.

6 26 a. A planning review committee shall consist of seven to
6 27 fifteen members. All members shall be Iowa residents. Members
6 28 may be selected to represent, but shall not be limited to, the
6 29 following groups or entities:

6 30 (1) City and county planning and zoning officials.

6 31 (2) City and county elected officials.

6 32 (3) Watershed planning entities.

6 33 (4) Real estate professionals.

6 34 (5) Developers of real property.

6 35 (6) Economic development organizations.



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7 1 (7) Environmental organizations.
7 2 b. A planning review committee shall do all of the
7 3 following:
7 4 (1) Review local comprehensive plans for consistency with
7 5 the regional comprehensive plan, and provide member governments
7 6 with nonbinding guidance on the plans.
7 7 (2) Upon request by a local government, review local
7 8 comprehensive plans for qualification as a smart plan, on
7 9 behalf of the office of planning and geographic information
7 10 systems created in section 15.221. A local comprehensive plan
7 11 shall be deemed qualified as a smart plan if the plan meets all
7 12 of the following criteria:
7 13 (a) Contains all of the comprehensive planning elements
7 14 referred to in section 18B.2, subsection 2.
7 15 (b) Addresses the prevention of, response to, and recovery
7 16 from catastrophic flooding.
7 17 (c) Considers all of the smart planning principles set out
7 18 in section 18B.1.
7 19 (3) Provides a letter of qualification to cities and
7 20 counties that are determined to have adopted a smart plan.
7 21 NEW SUBSECTION. 7. Annually measure and submit all
7 22 requested smart planning benchmark data to the office of
7 23 planning and geographic information systems.
7 24 Sec. 8. Section 466B.3, Code 2011, is amended by adding the
7 25 following new subsection:
7 26 NEW SUBSECTION. 7. Staffing of councils. The department of
7 27 natural resources shall assist in staffing the water resources
7 28 coordinating council and the watershed planning advisory
7 29 council established in section 466B.31.
7 30 Sec. 9. Section 466B.31, subsection 2, paragraph a, Code
7 31 2011, is amended by adding the following new subparagraph:
7 32 NEW SUBPARAGRAPH. (17) One member selected by the Iowa
7 33 association of regional councils, as organized by the councils
7 34 of governments established under chapter 28H.
7 35 Sec. 10. NEW SECTION. 466B.33 Watershed goals and



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8 1 strategies.

8 2 The department of natural resources, in collaboration
8 3 with the department of agriculture and land stewardship, the
8 4 United States natural resource conservation service, the Iowa
8 5 flood center, and the United States army corps of engineers,
8 6 shall create goals and strategies relating to soil and water
8 7 resources within watersheds useful to local and regional
8 8 planning efforts.

8 9 EXPLANATION

8 10 This bill relates to local and regional planning and
8 11 establishes an office of planning and geographic information
8 12 systems. The new office of planning and geographic information
8 13 systems, within the department of economic development, will be
8 14 responsible for developing the state's interest in local and
8 15 regional land use planning, and for administering a statewide
8 16 geographic information and data system. The bill assigns
8 17 duties for the office, including planning coordination and
8 18 geographic information systems and data management.

8 19 The planning coordination duties of the office include
8 20 the development and coordination of educational programming,
8 21 establishment of a repository of comprehensive plans, annual
8 22 reporting to the governor and general assembly, collaboration
8 23 with other state agencies to incorporate smart planning
8 24 principles in new and existing programming, establishment of
8 25 internal procedures, provision of support staff to the office's
8 26 coordinating council, and the provision of support staff to
8 27 the Iowa smart planning task force until the task force is
8 28 dissolved in December 2012.

8 29 The bill specifies that the duties of the office relating
8 30 to geographic information systems and data management include
8 31 the development and maintenance of a centralized geographic
8 32 information system enterprise and data distribution network,
8 33 the provision of technical assistance to local, regional, and
8 34 state users, and the creation of standards for the centralized
8 35 network.



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9 1 The bill creates four full-time equivalent positions within
9 2 the office and allocates \$450,000 annually to the department of
9 3 economic development for the operation of the office.

9 4 The bill also creates the office's coordinating council,
9 5 consisting of 21 members with members selected by the Iowa
9 6 league of cities to represent one small city, one medium-sized
9 7 city, and one large city; members selected by the Iowa
9 8 association of counties to represent one rural and one urban
9 9 county; a member selected by the Iowa association of regional
9 10 councils; members selected by the presidents of the three
9 11 regents universities; members representing the departments of
9 12 agriculture and land stewardship, cultural affairs, economic
9 13 development, management, natural resources, and transportation,
9 14 and the homeland security and emergency management division of
9 15 the department of public defense, and members appointed by the
9 16 governor. Members are appointed to serve three-year staggered
9 17 terms from all geographic regions of the state.

9 18 The bill requires that the council establish priorities
9 19 for the office, make investment decisions, establish criteria
9 20 for the implementation of a statewide geographic information
9 21 system, establish technical advisory committees, and review and
9 22 qualify regional smart comprehensive plans.

9 23 The bill establishes a local planning grant program
9 24 within the office. The program is meant to assist cities and
9 25 counties in developing or updating local comprehensive plans.
9 26 The program requires that funds be used in the creation or
9 27 updating of a smart plan. Some funds may also be used for the
9 28 administration of these plans. The bill requires the office
9 29 to encourage multijurisdictional plans. The bill makes an
9 30 award appropriation of \$500,000 from the general fund for the
9 31 operation of this program.

9 32 The bill creates a smart planning education program,
9 33 and establishes a fund to develop educational materials
9 34 for professional planners and local elected officials. The
9 35 materials must focus on the benefits of smart planning to



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10 1 communities and gather examples for dissemination. The
10 2 program, under the authority of the office, must be developed
10 3 in coordination with the Iowa league of cities, the Iowa state
10 4 association of counties, the Iowa association of regional
10 5 councils, and the three regents universities.

10 6 In relation to councils of governments, the bill requires
10 7 that Boone, Dallas, Jasper, Marion, Polk, Story, and Warren
10 8 counties be incorporated into a regional planning entity
10 9 by January 1, 2015. The bill also provides an annual
10 10 appropriation of \$720,000 to the department of economic
10 11 development from the general fund for the support of regional
10 12 planning and administration. The bill requires that these
10 13 funds be distributed to each existing region, and once
10 14 identified to the region incorporating Boone, Dallas, Jasper,
10 15 Marion, Polk, Story, and Warren counties.

10 16 The bill requires councils of governments to prepare
10 17 regional comprehensive plans, integrate smart planning
10 18 principles, integrate watershed goals and strategies, and
10 19 outline processes for cooperation between member governments.

10 20 The bill requires that councils of governments establish
10 21 planning review committees. The bill describes particular
10 22 groups that may serve on these review committees.
10 23 Representatives may include city and county planning and zoning
10 24 officials, city and county elected officials, individuals
10 25 from watershed planning entities, real estate professionals,
10 26 developers, individuals from economic development
10 27 organizations, or individuals from environmental organizations.

10 28 The bill sets out the duties of these planning review
10 29 committees to include the review of local comprehensive plans
10 30 for consistency with the regional comprehensive plan, the
10 31 provision of nonbinding guidance upon completion of such
10 32 review, the review of local smart plans, and the provision of
10 33 letters of qualification to cities and counties determined to
10 34 have adopted a smart plan.

10 35 The bill further requires that councils of governments



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11 1 provide the office with all requested data related to smart
11 2 planning benchmarks.
11 3 The bill requires that the department of natural resources
11 4 staff both the water resources coordinating council and the
11 5 watershed planning advisory council.
11 6 The watershed planning advisory council is expanded by
11 7 one member to include a representative selected by the Iowa
11 8 association of regional councils.
11 9 The bill creates a new Code section for the establishment of
11 10 watershed goals and strategies, requiring that the department
11 11 of natural resources in collaboration with the department of
11 12 agriculture and land stewardship, the United States natural
11 13 resource conservation service, the Iowa flood center, and
11 14 the United States army corps of engineers develop goals and
11 15 strategies for local and regional planning efforts, relating to
11 16 soil and water resources of watersheds.
11 17 The bill may include a state mandate as defined in Code
11 18 section 25B.3.
LSB 1345SC (1) 84
aw/rj



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Senate Study Bill 1069

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act prohibiting the manufacturing, sale, or distribution of
2 blunt wraps in the state, and providing civil penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1936XC (7) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2011

Senate Study Bill 1069 continued

PAG LIN

1 1 Section 1. Section 453A.42, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 01. "Blunt wrap" means an individual
1 4 tobacco wrapper that is made wholly or in part from tobacco,
1 5 including reconstituted tobacco, whether in the form of tobacco
1 6 leaf, sheet, or tube, if such a wrap is designed to be sold to
1 7 individuals.

1 8 Sec. 2. NEW SECTION. 453A.48A Blunt wraps prohibited ====
1 9 penalty.

1 10 1. A person shall not manufacture, distribute, or sell blunt
1 11 wraps in this state.

1 12 2. Notwithstanding any provision of this division to the
1 13 contrary, a person who violates this section is subject only to
1 14 the civil penalties specified in section 453A.50, subsection
1 15 3, paragraph "a".

1 16 EXPLANATION

1 17 This bill prohibits a person from manufacturing, selling,
1 18 or distributing blunt wraps in the state. The bill defines
1 19 a "blunt wrap" as an individual tobacco wrapper that is
1 20 made wholly or in part from tobacco, including reconstituted
1 21 tobacco, whether in the form of tobacco leaf, sheet, or tube,
1 22 if such a wrap is designed to be sold to individuals. A person
1 23 who violates the bill is subject only to the civil penalties
1 24 specified for other tobacco-related violations as follows: a
1 25 \$200 penalty for the first violation; a \$500 penalty for a
1 26 second violation within three years of the first violation; and
1 27 a \$1,000 penalty for a third or subsequent violation within
1 28 three years of the first violation.

LSB 1936XC (7) 84

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2011

Senate Study Bill 1070

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to public access to certain juvenile justice
2 information.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2032XC (2) 84
rh/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2011**

Senate Study Bill 1070 continued

PAG LIN

1 1 Section 1. Section 232.19, subsection 4, Code 2011, is
1 2 amended by striking the subsection.
1 3 EXPLANATION
1 4 Current law excludes information pertaining to a child who
1 5 is at least 10 years old and who is taken into custody for a
1 6 delinquent act which would be a public offense from the general
1 7 confidentiality provisions under Iowa's juvenile justice law
1 8 (Code section 232.147), thus allowing public access to such
1 9 information. This bill amends current law to prohibit public
1 10 access to such information.

LSB 2032XC (2) 84

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